



Crl.O.P.No.4706 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379, 147, 341, 506(i) of IPC in Crime No. 29 of 2024, seek anticipatory bail.

2. It is stated that the defacto complainant is the panchayat president of the Chittoor Village, Edappady Taluk and he had lodged a complaint on 15.02.2024 before the Superintendent of Police, Salem and that was forwarded to the respondent on 19.02.2024 and FIR was registered on 19.02.2024.

3. It is the case of the prosecution that the defacto complainant had alleged that the accused Nos. 1 and 2 were transporting minerals from the patta lands belonging to one Velayudham at Pappangadu. They were using tipper lorries and JCB. One lorry which was loaded suffered a puncture. The defacto complainant was questioning about the transportation of the red sand. At that time, it is stated that the other accused came there and assaulted him. He had however named A-1 and A-2 who is the President of the panchayat. He should know about the details of the other accused.

4. The learned Government Advocate (Crl. Side) would submit that there are documents to establish theft of sand even though it may be from the patta land.



Crl.O.P.No.4706 of 2024

5. Taking all the factors into consideration, I am not inclined to grant anticipatory bail to the accused Nos. 1 and 2 and this petition stands dismissed as against the accused Nos. 1 and 2/Petitioners 1 and 2.

6. This Court is inclined to grant anticipatory bail to the petitioners 3 to 6 with certain conditions.

7. Accordingly, the petitioners 3 to 6 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Edappady, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 3 to 6 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners 3 to 6 shall appear before the respondent police daily at 10.30 a.m., until further orders.



Crl.O.P.No.4706 of 2024

[c] the petitioners 3 to 6 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 3 to 6 shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 3 to 6 in accordance with law as if the conditions have been imposed and petitioners 3 to 6 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

19.03.2024

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Crl.O.P.No.4706 of 2024

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Crl.O.P.No.4706 of 2024

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