



Crl.O.P.No.4806 of 2024

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 353 & 506(i) of IPC, in Crime No.22 of 2024, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners encroached on the Government Natham Land and laid a stone illegally. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are in no way connected with the alleged offence as stated by the prosecution. He further submits that the first petitioner, a retired VAO, has given 1200 sq.ft to the Commissioner, Omalur Union through a gift deed dated 12.09.2011. Now the defacto complainant wants to take back 5 extra feet of land apart from the specified land, due to which, the present complaint has been given by the defacto complainant and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent submitted that that the petitioners encroached on the Government Natham Land and laid a stone illegally. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the counsels, this Court is inclined to grant Inter-State anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate, Omalur***, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m, for a period of three months;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 in accordance with law as if the conditions has been imposed and the petitioners are released on bail by the learned Magistrate/Trial Court himself as laid own by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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