



Crl.O.P.No.12294 of 2024

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C.SARAVANAN, J.

The petitioners apprehending arrest at the hands of the respondent police for the offences under Sections 147, 447, 153A and 506(i) of Indian Penal Code, 1860 in Crime No.12 of 2023, seek anticipatory bail.

2. The case of the prosecution is that on 10.01.2023, the defacto complainant/ Kathiravan, VAO i/c Veppur Village, Rasathupuram, Walajah Taluk, Ranipet District lodged a complaint before the respondent stating that the land bearing Survey Nos.402/6, 402/7, and 402/8 were ordered by Wakf Board for patta name change in the name of Agilsha Anwarsha to help the homeless people belonging to Visharam Sathik Batsha Nagar and at the time of laying stones and cleaning the said land, the petitioners entered the land and stood hindrance in performing VAO's official duty. Hence the complaint.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent and have not committed any offence as alleged by the prosecution. He also further submitted that the other accused in the Crime No.12 of 2023 were granted anticipatory bail by this Court vide order dated 25.01.2023 in Crl.O.P.No.1431 of 2023. He also further submitted that earlier, the petitioners were granted anticipatory bail by the learned Principal Sessions Judge, Vellore in Crl.M.P.No.278 of 2023 on 10.02.2023, however due to quarrel and miscommunication between the petitioners, they could not communicate with their Advocate to comply the condition by furnishing sureties but the same was neither wilful nor wanton, subsequently their anticipatory bail was cancelled. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the land in Survey Nos.402/6, 402/7, and 402/8 situated at Veppur Village, Walajah Taluk, Ranipet District were allotted to Muslim community for constructing house. He also further submit that the petitioners had intervened and claimed that the aforesaid land belongs to



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them and stood has hindrance in performing VAO's official duty. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made by both counsels and the fact that the other accused vide order dated 25.01.2023 in Crl.O.P.No.1431 of 2023 were already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners 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 Judicial Magistrate IV, Vellore on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioners 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 shall report before the respondent police on every Saturday at 10:30 AM for a period of two months and thereafter as and when required for interrogation and directed not to create any communal violence.

[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 have been imposed and the petitioner 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]**.



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

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