



Crl.O.P.NoNo.12861 of 2024

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**T.V.THAMILSELVI,J.**

The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 447, 379 and 34 IPC in Crime No.134 of 2024, seek anticipatory bail.

2. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Petitioners are co-sharers of the property along with the defacto complainant. Suit filed by the 1<sup>st</sup> petitioner is pending from the year 2013 in O.S.No.53 of 2013 on the file of Principal District Judge, Puducherry. Now to harass the petitioners, defacto complainant gave this complaint. He further submits that they are ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

3.Learned counsel for the intervenor raised objections to grant bail to the petitioners, stating that, petitioners have trespassed into the property belonged to the defacto complainant, felled the trees and transported the same



4. Learned Government Advocate (Crl.Side) appearing for the respondent opposed this petition, stating that, in the year 2018, same set of allegations were made by the petitioners by cutting the trees in the property. Again now, he involved in cutting down the tress. 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 learned counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on **anticipatory 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 No.III, Puducherry**, 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



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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:

(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 not cut down the trees in the suit property.**

**[c] the petitioners shall report before the respondent police as and when required for interrogation and directed to co-operate for investigation.**

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

[e] the petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance

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with law as if the conditions have been imposed and the petitioners 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]**;

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

**05.06.2024**

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