



Crl.O.P.No.24185 of 2024

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WEB C **P.DHANABAL,J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 468, 427, 447, 380 and 109 of IPC in Crime No.194 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioner along with other accused trespassed into the property of the defacto complainant and destroyed some house hold articles and stolen wooden articles. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and due to civil dispute, the defacto complainant has given a false complaint against the petitioner. He would further submit the petitioner has not created any forged documents as alleged by the prosecution and he is no way connected with the said occurrence. Hence, he prayed for grant of anticipatory bail.



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4.The learned Government advocate(Crl.Side) would submit that the petitioner along with A2 and A3 had fraudulently created patta in his favour and registered the property belongs to the defacto complainant in Doc.No.1070 of 2016, for which, a civil suit is pending before the Sub Court, Sirkali. Due to the civil dispute, the petitioner along with other accused trespassed into the property of the defacto complainant and destroyed some house hold articles and stolen wooden articles. He further submitted that A2 died and A3 is still absconding and there is no previous case pending against the petitioner. However, he objected to grant anticipatory bail to the petitioner.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions on either side and considering the fact that there is no previous case pending against the petitioner and there is a civil dispute pending between the parties, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sirkali 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days;

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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].

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

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