



CrI.O.P.No.30104 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.199 of 2024 registered for the offences punishable under Sections 296(b), 115(2), 351(3) and 308(5) of BNS Act, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 19.11.2024 at about 06.00 p.m., he had seized a tipper lorry with gravel sand and it turned upside down. At that time, when the lorry owner and others were taking steps to clear the vehicle, the accused had threatened them with dire consequences and he had also taken video of them. The same was questioned by the defacto complainant, the accused had also threatened him. Hence the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is



innocent and he has been falsely implicated in this case. He also submits that the petitioner is an environmental activist and he had taken various steps to curtail illegal sand mining and the defacto complainant who has been set up by the illegal sand miners, had given a false complaint against the petitioner. He further submitted that the Hon'ble Division Bench of this Court in W.P(MD).No.27536 of 2019 had passed an order directing the arrest of the defacto complainant, who has been involved in illegal sand mining and the defacto complainant fearing that the petitioner is against him, had given a false complaint. He submitted that the defacto complainant and his friends who are illegal sand miners, have assaulted him resulting in the petitioner sustained grievous injuries and still taking treatment in the hospital.

4. The case of the prosecution as put forth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioner claiming to be a social activist, has threatened the lorry owner and others. He further submitted that the petitioner has one previous case against him.

5. Mr. K. Balasubramaniam, learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner stating



that the petitioner is an extortionist had taken money from the lorry owner.

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6. Having heard the learned counsels on either side and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 No.V, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police as and when required for interrogation;



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

[d] the petitioner 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 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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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