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CRL.O.P.No.29264 of 2023

P.DHANABAL, J.

The petitioners/A1 to A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294(b), 427, 435, 506(ii) and 379 of IPC in Crime No.661 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant along with his family members purchased the land measuring 83 acres and had engaged in an agricultural activities along with his family members. In view of retirement and old age issue, the defacto complainant not involved in the agriculture activities. As a result, the petitioners herein illegally trespassed into the lands of the defacto complainant and damaged the crops and trees, planted by the defacto complainant.

3.The learned counsel for the petitioner would submit that the petitioners are innocent person and has been falsely implicated in this case. Hence he seeks anticipatory bail.



4.The learned Additional Public Prosecutor would submit that the petitioners without necessary permission trespassed into the lands of the defacto complainant and cut 76 acres of trees. Hence, he objected to grant anticipatory bail to the petitioner.

5.Considering the nature of offences, and the Civil dispute is pending and also considering that no value of the damaged properties are mentioned in the FIR and considering the date of occurrence and still the respondent police has not taken any steps to secure the accused, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

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 days from the date on which the order copy made ready, 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, 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] 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 daily at 10.30 a.m., until further orders.

[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 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]**.

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

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