

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5151 of 2020

A.M.MOHAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
VALANGAIMAN TOWN AND TALUK,
THIRUVARUR DISTRICT.
CR.NO.55/2020

For Petitioner : M/S.E.GOMATHI Advocate

For Respondent : M/S. K.PRABAKAR, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 447, 380, 420, 294(b) of IPC and Section 3 of TN PPDL Act, 1992 in Crime No.55 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on instruction of the petitioner who is the present Panchayat President, 25 persons have entered into the premises and demolished 1000 Sq.ft. building and also taken away the wooden articles belonging to the defacto complainant. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is the recently elected Panchayat President. The defacto complainant is a encroacher. He had encroached upon the temple land and had left it without any proper care resulting in growth of shrubs and thorns bushes infected with snakes and insects which caused lot of problems to students in the near by school. Thereafter, on the complaint given by the public, a resolution was passed by the Panchayat and proper action was taken and that the premises were cleared and the articles inside the premises were removed. The petitioner has cleared it only in the public interest as a elected member of the Panchayat and had not done anything in private interest. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner entered into the area which was in possession of the defacto complainant with a JCB, demolished 1000 sq.ft. building and also taken away the wood and other articles belonging to the defacto complainant. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner submitted that the petitioner has filed W.A.No.333 of 2020 in which, as per the direction of this Court dated 13.03.2020, he had filed an affidavit to the effect that the public area was cleared and it was used as a parking lot and now that the property had been handed over to the HR & CE Department.

6. Taking into consideration, the facts and submissions of the learned Counsel, this Court deems it appropriate to grant anticipatory bail to the petitioner subject to the following 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 District Munsif-cum-Judicial Magistrate, Valangaiman, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
16/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE, VALANGAIMAN.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
VALANGAIMAN TOWN AND TALUK,
THIRUVARUR DISTRICT.

+1 CC to M/S.E.GOMATHI Advocate on payment of necessary charges
SR.No.5170

सत्यमेव जयते

CRL OP.5151/2020

Date :16/03/2020

cs 12/05/2020

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