

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8916 of 2020

1.Palanivelu  
2.Varadharaj  
3.Madhi  
4.Periyasamy  
5.Ramar  
6.Kaliyamurthy  
7.Ponnusamy  
8.Gandhi  
9.Jayavel  
10.Boobathi  
11.Sada  
12.Manikandan

... Petitioners

Vs.

The State Rep. By  
Inspector of Police,  
Attur Police Station,  
Salem District.  
(Crime No.221 of 2020)

.... Respondent

**PRAYER:** Criminal Original Petition filed under Section 438 of Cr.P.C., praying, to enlarge the petitioners/accused on bail in the event of arrest in connection with Crime No.221 of 2020, on the file of the respondent police.

For Petitioners : Mr.S.Muthukrishnan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

**ORDER**

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 143, 294 (b), 323, 427, 447 and 353 r/w Section 3 of Tamil Nadu Public Property (Prevention of damages and loss Act) 1992 in Crime No.221 of 2020, on the file of the respondent police, seek bail.

2.The case of the prosecution is that 15 named accused persons and 100 others trespassed into the forest land, dug a pit and have cut away trees and caused damages to the cameras and lights that were fitted in the property. It is further alleged that a total loss of Rs.4,75,470/- was caused by the accused persons. The petitioners are ranked as A2, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13 and A14.

3.The learned counsel for the petitioners submitted that a false case has been foisted against the petitioners. The learned counsel submitted that the alleged incident is said to have taken place on 20.12.2019 and the F.I.R. was registered only on 21.05.2020. He further submitted that there is absolutely no reason as to why there should be such a long delay if the incident is so serious.

4.The learned Additional Public Prosecutor on instructions submitted that the accused persons have trespassed into the forest land and have caused damages to the tune of Rs.4,75,740/-. The learned counsel further submitted that A1 was arrested and remanded to judicial custody.

5. Taking into consideration, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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 No.I, Attur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two common 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, every Monday at 10.00 a.m., for a period of eight weeks and thereafter as and when required for interrogation.

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

-sd/-  
19/06/2020

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 JUDICIAL MAGISTRATE NO I,  
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,  
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
ATTUR POLICE STATION,  
SALEM DISTRICT.

CC to M/S. S.MUTHUKRISHNAN Advocate on payment of necessary charges

CRL OP.8916/2020

Date :19/06/2020

MN-TA-30/07/2020

WEB COPY