

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16938 of 2020

J.Palanivel

... Petitioner/Accused

Vs.

State rep. By
The Station House Officer,
Puduchatram Police Station,
Puduchatram,
Cuddalore District.
(Crime No.557 of 2020).

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest by the respondent police in respect of Crime No.557 of 2020 on the file of the SHO, Puduchatram.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.T.P.Savitha,
Government Advocate.

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 447 of IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.557 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the First Information Report is that the petitioner herein had sternly encroached and ameliorated the boundaries and destroyed nearly twenty palmyrah trees of the defacto complainant's temple property which lies in S.No.148/2. The worth of the trees is assessed as Rs.25,000/-.

3.The learned Counsel for the petitioner herein would submit that the land in S.No.148/1 belongs to the petitioner and there is no palmyrah tree in the said survey number owned by the defacto complainant's temple property. With an ulterior motive, a false case has been given against him.

4.The learned Government Advocate would submit that taking advantage of the proximity of the land held by the petitioner, he has ameliorated sand bund leading to destruction of twenty palmyrah trees. When it came to the notice of the Executive Officer of the defacto complainant's temple property, the complaint was given on 16.10.2020 and case has been registered in Crime Number 557 of 2020.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days, before the learned Judicial Magistrate, Portnovo, 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 respondent police or to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] 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.

(c) the petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of the Crime Number 557 of 2020.

[d]the petitioner shall report before the respondent police as and when required for investigation.

[e] the petitioner shall not tamper the evidence or witness either during investigation or trial.

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

[g] On failure to comply the condition or 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].

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

6.With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/10/2020

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,
PORTNOVO

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER,
PUDUCHATRAM POLICE STATION,
PUDUCHATRAM, CUDDALORE DISTRICT.

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

CRL OP.16938/2020

Date :22/10/2020

MK:02/11/2020

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