



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10491 of 2022

UDHAYAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NANILAM POLICE STATION,
NANILAM POST,
TIRUVARUR DISTRICT.
CR.NO.214 OF 2022.

[RESPONDENT]

For Petitioner : M/S. D.VEERASEKARAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

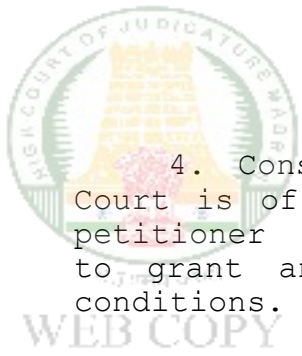
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 379 and 447 of IPC and 79(B)(3) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 read with 21(1) of Mines and Mineral Act in Crime No.214 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have illegally encroached the land in Survey Nos.148/1, 149/1, 149/2A and 146/5A belonging to the Vanchinathar Swami Temple, Srivanchiyam and set up bricklin and by using the sand in the land, made bricks.

3. From the first information report allegation, it is clear that the encroachment and setting up of bricklin would not have happened in a day or two. It is not known as to whether the Temple has initiated any civil proceedings for recovery of possession of land.



4. Considering the facts and circumstances of the case, this Court is of the considered view that custodial interrogation of the petitioner is not necessary and accordingly, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the **Judicial Magistrate Nannilam, Thiruvavarur District** on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- only (Rupees Twenty Five 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 and on further condition that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer daily at 10.30 a.m until further orders.

(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 petitioners in accordance with law as if the conditions has 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

05/05/2022

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.



1 THE JUDICIAL MAGISTRATE,
NANNILAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
NANILAM POLICE STATION,
NANILAM POST,
TIRUVARUR DISTRICT.

+1 CC to M/S. D.VEERASEKARAN Advocate on payment of necessary
charges SR.NO.6742

CRL OP.10491/2022

Date :05/05/2022

TA-09/05/2022