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Crl.O.P.No.21064 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 431, 434, 353, 506(i) r/w 3(ii) of TNPPDL Act and 3 of Explosive Substance Act in Crime No.361 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the Defacto complainant Murugesan who is the Revenue Inspector of Kadayampatti Firka lodged the complaint with the respondent police on 23.08.2022 alleging that the land comprised in S.No.413 and 425 situated at Kanavaipudhur Village is as Forest Padhai Poramboke land which is being used by the tribes of the said village for the ingress and egress. The said land has been encroached by the petitioners and blasted the rocks using explosives in the said land and also doing cultivation by preventing the tribes to use the road. While so, the Revenue Authority went to remove the



Crl.O.P.No.21064 of 2022

WEB COPY

encroachment in the said land, the petitioners have prevented them and also threatened them with dire consequences and thereby prevented them from discharging their duty. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the Forest Padhai Poramboke land which is being used by the tribes of the village for the ingress and egress has been encroached by the petitioners and blasted the rocks using explosives in the said land and also doing cultivation by preventing the tribes to use the road and threatened them. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



CrI.O.P.No.21064 of 2022

WEB COPY

5. Considering the above fact and circumstances of the case and also considering the submission made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 Court, Omalur*** on condition that the petitioners shall execute separate bonds 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:



Crl.O.P.No.21064 of 2022

WEB COPY

[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 1st 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 and the 2nd petitioner shall report before the respondent police 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]**.



CrI.O.P.No.21064 of 2022

WEB COPY

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

02.09.2022

Vv



WEB COPY



Crl.O.P.No.21064 of 2022

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.21064 of 2022

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