



Crl.O.P.No.28988 of 2022

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**A.D.JAGADISH CHANDIRA, J.**

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447 and 506(i) of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act in P.R.C.No.15 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Vijayalakshmi, Head Clerk, District Munsif cum Judicial Magistrate, Uthiramerur is that the accused had encroached upon the Court property, by damaging the lands and tied the lands for about 3 feet and had made a bund to make a way to their property. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and the Government had acquired the lands for Court premises and existing way to the village was also closed, even without any notice to the villagers. Since the villagers were going around, they have opened up the way and a false complaint



CrI.O.P.No.28988 of 2022

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has been given, however now that it has been held that the lands belong to the Judicial Department and they are not interfering now. The petitioners have also filed an affidavit of undertaking stating that they will not interfere and encroach upon the property once again. He would further submit that as on date, the investigation has been completed and the case has been taken up in P.R.C.No.15 of 2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the accused persons had encroached upon the Court property by damaging the lands owned by the Judicial Department and created a way to their property. He would further submit that there is no previous case pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials available on record.



Crl.O.P.No.28988 of 2022

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6.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. The affidavit of undertaking shall form part of Court records.

7.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 cum Munsif, Uthiramerur on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (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, 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



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CrI.O.P.No.28988 of 2022

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 learned District Munsif cum Judicial Magistrate, Uthiramerur, on all working days at 10.30 a.m., for a period for two weeks and thereafter, on the date fixed by the learned Magistrate.

[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]**;



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Crl.O.P.No.28988 of 2022

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

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Crl.O.P.No.28988 of 2022

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**Crl.O.P.No.28988 of 2022**

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