



Crl.O.P.No.29548 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 427, 447, 506(i) and 109 of IPC read with Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.24 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant Abdul Basha is that he claiming to be the owner of the mango grove in S.No.85/2 in Poovalai Village, Gummidipoondi Taluk, Tiruvallur District, had put up a fence. On 24.01.2021, the petitioners along with other accused belongs to the same village, had trespassed into the field of the de facto complainant and damaged the barbed wire fence and also the mango trees. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the de facto complainant had encroached the pathway leading to the burial ground and there was an agitation for a long time. He would further submit that the other accused have approached this Court by filing a Writ



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Petition and the Revenue Authorities have also now started taking action under

the Tamil Nadu Land Encroachment Act. Being aggrieved over the same, various complaints have been filed by the de facto complainant against the accused that they have damaged the fence. He would further submit that the petitioners are ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed by this Court. He would further submit that the co-accused in this case have already been granted anticipatory bail by this Court in Crl.O.P.No.3265 of 2021 on 03.03.2021. He would further submit that the petitioners were not aware of the case being registered against them and hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor for the respondent would submit that the petitioners along with other accused belongs to the same village, had trespassed into the field of the de facto complainant and damaged the barbed wire fence and also the mango trees and also threatened the de facto complainant with dire consequences. He would further submit that the co-accused in this case have already enlarged on bail by this Court in Crl.O.P.No.3265 of 2021 on 03.03.2022. However, he vehemently opposed for grant of anticipatory bail to the petitioners.



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5. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and also perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 (15) days from the date on which the copy of the order is made ready, before **the learned District Munsif-cum-Judicial Magistrate, Gummidipoondi**, on condition that each of the petitioner shall execute a separate 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:



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[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 everyday at 10.30 a.m., for a period of one week 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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