



CrI.O.P.No.1590 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 447 & 379 of IPC in Crime No.12 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally trespassed into the defacto complainant's property and tried to construct a building and in that process to which had removed one iluppai tree i.e., 40 years old tree in the said property. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner possessed a registered sale deed and on getting permission from the land owner, he has started earthwork in the said property. Meanwhile, the H.R & C.E Inspector had lodged a complaint against the petitioner. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) would submit the petitioner removed the iluppai tree aged about 40 years (2 tons). Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions that the petitioner is ready and willing to deposit some amount to the credit of Cr.No.12 of 2023, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No. 12 of 2023 within a period of three weeks from the date on which the order copy made ready**, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned **Judicial Magistrate, Tindivanam**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each **out of which one surety must be a blood related surety** for a like sum to the satisfaction of the



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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 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.

[b] the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.12 of 2023 within a period of three weeks** from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

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

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

[g] On breach of any of the aforesaid conditions, the learned



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

25.01.2023

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