



Crl.O.P.No.6140 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 466, 468 and 471 of IPC, in Crime No.52 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant B.Manju, Executive Officer of the Hindu religious and Charitable Endowments (HR & CE) Department is that the accused had fabricated the No Objection Certificate and had grabbed the Temple Land and also obtained electricity connection. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has built up a house in poramboke land and he has been living there more than 25 years whereas, the de facto complainant/Executive Officer claims that it is a temple land and in order to evict the petitioner, she has given a false complaint as the petitioner has fabricated the No Objection



Crl.O.P.No.6140 of 2023

Certificate as it was issued by the HR & CE Department. He reiterated that the petitioner is living there for more than 25 years. He also submitted that the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent would submit that the petitioner/accused by fabricating the No Objection Certificate as it was issued by the HR & CE Department authorities, has grabbed the Temple land. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the entire materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and also the submission of both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate-I, Chidambaram, Cuddalore District**, on condition that the petitioner 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 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 report before the respondent police every day at 10.30 a.m., until further orders.**

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



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Crl.O.P.No.6140 of 2023

A.D.JAGADISH CHANDIRA, J.

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[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 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]**.

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

20.03.2023

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Crl.O.P.No.6140 of 2023