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Crl.O.P.Nos.7698 and 7620 of 2023

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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 147, 447, 294(b), 353 of IPC r/w Section 3(1) TNPPDL Act, in Crime No.140 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who is the Deputy Commissioner/Executive Officer, (additional responsibility) Deputy Commissioner/Verification Officer at Arulmighu Arunasalesuvarar Thirukovil, Thiruvannamalai, is that a land in Survey No.1377, Ward No.1, Block No.22, with an extent of 23800 sq. ft situated at North Othavadai Street belongs to Arulmighu Arunasalesuvarar Thirukovil, Thiruvannamalai. A1 had illegally occupied the building opposite to Ammaniyamman Gopuram for many years. Further, as per the order passed by the District Court, Thiruvannamalai in Original Suit No.04/2022, on 13.03.2023 and also as per the order passed by the Joint Commissioner, HR & CE,



Crl.O.P.Nos.7698 and 7620 of 2023

WEB COPY

Thiruvannamalai District, in M.P.No.70 of 2021/A2 dated 15.03.2023, the officers of the Revenue Department along with the officers of HR & CE were present at the said place on 18.03.2023 to remove the illegal encroachers and it was resumed on 19.03.2023 in the Thirukovil property, during which time, the accused persons illegally trespassed into the said place and abused the officials in filthy language and also prevented them from discharging their official duty. Based on the complaint given by the defacto complainant, the present case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Other than accompanying the main accused, the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the 2nd petitioner in Crl.O.P.No.7698 of 2023 is a practicing Advocate in Thiruvannamalai Bar Association and that the main accused/A1 and A4 to A6 were arrested and subsequently, they were enlarged on bail by this Court in Crl.O.P.No.7132 of 2023 by order



Crl.O.P.Nos.7698 and 7620 of 2023

dated 06.04.2023. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent opposed for grant of anticipatory bail to the petitioners stating that the petitioners are the associates of the main accused/A1. A1, under the guise of taking the lesser extent of the Mutt property on lease in the name of his wife, had illegally encroached the property measuring to an extent of 23800 sq.ft belonging to the Mutt and in violation of the intention of the Trustees, had put up a illegal residential structure. The temple authorities, as per the order in O.S.No.4 of 2022 dated 13.03.2023 and as per the order of the Assistant Commissioner of HR & CE, Thiruvannamalai District in Miscellaneous Petition No.70 of 2021/A2 dated 15.03.2023, attempted to remove the illegal construction put up by the encroachers on 18.03.2023 and had also continued the work on 19.03.2023, whereas, the accused have abused and illegally prevented the officials from discharging their official duty. However, he would fairly concede that the main accused/A1 and A4 to A6 have been enlarged on bail by this Court.



Crl.O.P.Nos.7698 and 7620 of 2023

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

6. Considering the facts and circumstances of the case and submissions made by the learned counsel on either side and also of the fact that the main accused have been enlarged on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions;

7. Accordingly, **the petitioners in Crl.O.P.No.7698 of 2023** 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 is made ready, before the **learned Judicial Magistrate No.I, Thiruvannamalai District** on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten 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



Crl.O.P.Nos.7698 and 7620 of 2023

the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed **and;**

The petitioner in Crl.O.P.No.7620 of 2023 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 is made ready, before the **learned Judicial Magistrate, Arani**, on condition that the petitioner shall execute a bonds for a sum of Rs.10,000/- (Rupees Ten 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 in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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CrI.O.P.Nos.7698 and 7620 of 2023

[b] the petitioners shall report before the respondent police daily at 06.30 p.m., until further orders.

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

12.04.2023

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Crl.O.P.Nos.7698 and 7620 of 2023

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ksa-2

Crl.O.P.Nos.7698 and 7620 of 2023

12.04.2023