



Crl.O.P.No.8535 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 alleged offences punishable under Sections 147, 148, 448, 294(b), 323, 427, 341 & 506(ii) of IPC r/w Section 3(1) of TNPPDL Act, in Crime No.146 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a KMV Blue Metals Company. On 01.04.2023 at 7.30 p.m., the driver of the above said company had informed that he had parked his vehicle and gone to attend nature call. At that time, two persons came in a two wheeler, had dashed against the lorry and died on the spot and he is not responsible for the death of the persons. While so, about twenty five persons belonging to the village had trespassed into the KMV Blue Metals Company, abused the staff of the company and also caused extensive damage to the electronic items, windshield of various vehicles parked inside the premises. The value of the damages is about Rs.20 lakhs. Hence, the case.



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3.The learned counsel for the petitioner would submit the petitioner is an innocent person and a motivated and false complaint has been registered against him. He would submit that the defacto complainant company has been involved in illegal mining in the area wherein they had in the guise of obtaining a quarry licence for blue metal had indulged in illegal crushing of stones for manufacture of M-sand thereby, polluting the entire village. Further, they have also plied the vehicle in indiscriminate and rash manner and due to which a person belonging to the village was killed due to the rash driving of the vehicle and the villagers agitated by the act of the petitioner along with other accused have questioned the defacto complainant and except this, the villagers have not done anything. He would further submit that there was existing enmity on account of the illegal mining done by the defacto complainant company and the villagers on earlier occasion, i.e. on 01.04.2023 had given a complaint against the illegal operation of the defacto complainant before the appropriate authorities and thereby the company was antagonized against the entire villagers and the persons who were against the company, taking advantage of the incident a false complaint has been given against the villagers. He



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would further submit that the petitioner who is poor villager is ready to abide by any stringent conditions that may be imposed on them by this Court. He would further submit that co-accused have been granted anticipatory bail by this Court in Crl.O.P.No.8274 of 2023 vide order dated 26.04.2023. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the defacto complainant/the lorry driver of KMV Blue Metals company and they have been running the company after obtaining necessary permission. He would submit that on 01.04.2023, there was an accident in which one of the villagers was killed. The villagers who got enraged by the same, have formed into an unlawful assembly and trespassed into the premises of the blue metal company and had ransacked the entire area had caused extensive damages to the company vehicles and according to the defacto complainant, the value of damages was stated to be Rs.20 lacks. Thereby, he vehemently opposed to the grant of anticipatory bail to the petitioner.



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5.The learned counsel for the Intervenor would submit that the petitioner along with other accused have trespassed into the company of the defacto complainant and caused an extensive damages to the company vehicles valued at Rs.20 lakhs. Hence, he would vehemently opposed for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel appearing for the petitioner, learned counsel for the Intervenor and the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record.

7.Taking into consideration the facts and submissions of the learned Counsel and the learned Government Advocate (Crl.Side) and also the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15)



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days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate, Cheyyar, Thiruvannamalai District,** on condition that the petitioner shall execute a bond 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 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 stay at Cuddalore and report before the Cuddalore New Town Police Station daily at 10.30 a.m., for a period of two weeks and thereafter report before the respondent police daily at 10.30 a.m., for further period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.

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

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



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[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.

9. With the above directions, this Criminal Original Petition is ordered.

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27.04.2023

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