



Crl.O.P.No.11393 of 2023

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V.LAKSHMINARAYANAN. 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 Saied Nasrulla 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



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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 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.

4. It is further stated by the learned counsel for the petitioners that Anticipatory Bail was already granted in favour of the petitioners in Crl.O.P.No.29548 of 2022 by an order of this Court dated 01.12.2022. The petitioners were unable to execute the sureties. The petitioners are now ready to execute the same. Hence, he prays for grant of anticipatory bail to the petitioners.



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5.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. He would also submit that anticipatory bail was already granted to the petitioners in Crl.O.P.No.29548 of 2022 by an order of this Court dated 01.12.2022.

6. It transpires that the petitioners have not complied with the conditions within the time stipulated by this Court. Therefore, a fresh Anticipatory Bail petition has been filed. As anticipatory bail has already been granted and the conditions have not been complied, I am inclined to grant anticipatory bail to the petitioners, by extending the time for complying the conditions for a further period of two weeks from the date of receipt of a copy of this order, with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his/her/their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***District Munsif cum Judicial Magistrate Court, Gummidipoondi*** on condition that the petitioners shall execute a separate bond each 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 and on further condition that:

(a) if the petitioners fail to surrender before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two



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weeks and thereafter as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.05.2023

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