



Crl.O.P.No.19114 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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1.S.R.Parthiban M.P.
S/o.Late C.Rajamanikam
2.R.Ashok Kumar
S/o.C.Rajamanikam
3.S.Ananthapadmanaban
S/o.Subbarao
4.K.Palanisamy
S/o.Kandasamy
5.A.Jeeva
S/o.Annamalai
6.R.Umapathy
S/o.M.Raju

... Petitioners/Accused 1 to 6

VS

The State
Rep. by its Inspector of Police,
Mecheri Police Station,
Salem District.
(Crime No.265 of 2019)

...Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure, to enlarge the petitioners herein on anticipatory bail in the event of his arrest in connection with Crime No.265 of 2019 on the file of the respondent police.

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For Petitioners : Mr.A.M.Esakkiappan
For respondent : Mr.M.Babu Muthu Meeran
Additional Public Prosecutor

ORDER

This petition has been filed seeking for anticipatory bail on the apprehension of arrest for the alleged offences under Sections 353, 379, 447, 506(i) of I.P.C. and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.265 of 2019.

2. The case of the prosecution is that the accused persons had encroached upon the Forest lands and had laid a road and had also created a check post as an access to the property belonging to A2 and A3. When this was questioned at the time of inspection, they had also threatened the officials.

3. Heard Mr.A.M.Esakkiappan, learned counsel for the petitioners and Mr.M.Babu Muthu Meeran, learned Additional Public Prosecutor appearing on behalf of the respondent.



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4. Taking into consideration the facts and circumstances of the case and also of the fact that the case is at the stage of committal before the learned Judicial Magistrate No.II, Mettur and the custodial interrogation of the petitioners will not be required at this stage of this case, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of one week from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Mettur** 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 the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the trial Court during every date of hearing without fail.

[c] the petitioners shall not tamper the 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]*.



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

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Index: Yes/No
Internet: Yes/No
rsi

To.

1.The Judicial Magistrate No.II,
Mettur.

2.The Inspector of Police,
Mecheri Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH., J.

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