



Crl.O.P.No.23282 of 2023

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C.V.KARTHIKEYAN,J.

The petitioners seek anticipatory bail in Crime No.212 of 2023 registered by the respondent police for the offence punishable under Sections 427 & 379 of IPC r/w Section 3 of TNPPDL Act.

2. It is stated that the petitioners had damaged marking poles and CCTV Cameras of the defacto complainant with respect to dispute over the property.

3. It is brought to the notice of this Court by the learned counsel for the petitioner that the defacto complainant had filed W.P.No.10489 of 2023 before the First Bench of this Court categorizing the 1st petitioner as an encroacher over the land. The Division Bench of this Court had directed the Tahsildar to conduct an enquiry. The report of the Tahsildar in proceedings No.A4/1434/2023 dated 31.08.2023 had also been forwarded to this Court wherein it is stated that the Tahsildar found that the defacto complainant who had encroached into the land.



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4. Taking into consideration all these factors, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

5. Accordingly, the petitioners 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 made ready, before the **Judicial Magistrate No.I, Tindivanam**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties 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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[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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.

10.10.2023

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