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CrI.O.P.No.24044 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.50 of 2023 registered by the respondent Police for the offence under Section 379 IPC with respect to an occurrence which had taken place on 01.05.2023

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side).

3. It is stated that the defacto complainant is the Panchayat Commissioner of Kottucherry Commune Panchayat, Karaikal District. It is stated that the petitioner had unlawfully dug 1210M channel of Odaithoppu Kanni Servari Vaickal, Pidarai Kattalai kanni belonging to his Commune Panchayat at Poovam Village Panchayat and removed 2185 Cum soil worth about Rs.1 lakh and had filled up in the northern and eastern side of Pidari Koil. This was reported to the Deputy Collector (Revenue), Karikal and complaint had been lodged and FIR came to be registered.



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4. The learned counsel for the petitioner states that sand was used for filling the soil in the temple. But it is the specific case of the learned Public Prosecutor (Puducherry) that the sand was used to put up private pathway to the petitioner's house. It is stated that the entire sand was dug using a JCB vehicle. The JCB vehicle had been seized, but however, the loss was to the tune of Rs.1 lakh.

5. In view of the facts and circumstances, I am inclined to grant anticipatory bail to the petitioner with condition that the petitioner should compensate the loss by making a payment of Rs.50,000/- in favour of the Directorate of Medical Service, Puducherry. The Directorate of Medical Service, Puducherry may utilize this amount for treatment of needy patients in any of the Government hospital.

6. Accordingly, the petitioner 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 made ready, before the **learned Judicial Magistrate, No.II, Karaikal**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties**



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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 make a payment of Rs.50,000/- in favour of the Directorate of Medical Service, Puducherry. The Directorate of Medical Service, Puducherry shall utilize this amount for treatment of needy patients in any of the Government hospital.

[c] the petitioner shall report before the respondent police everyday at 10.00.a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 petitioner in accordance with law as if the



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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]**;

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

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