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Crl.O.P.No.25846 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447, 453 and 188 of IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984 in Crime No.730 of 2023, seeks anticipatory bail.

2.It is stated that the properties mentioned in the First Information Report had been attached by the Government through various Government orders and the lands vest with the Government. Permission had also been granted to sell the properties by way of public auction. This has been directed under Section 7(4) and Section 7(6) of TNPID Act, 1997.

3.It is however, contended that the petitioner had trespassed into the land and had cultivated groundnut and turmeric. A complaint had been given by the defacto complainant in this regard.



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4.Admittedly the matter relating to the larger issue of deposits being collected by the accused viz-a-viz the repayments is pending in O.A.No.5 of 2018, O.A.No.3 of 2020 and O.A.No.4 of 2020 before the Special Court for TNPID Act, 1997, Coimbatore. That particular Court had also issued directions to attach the land mentioned in the FIR.

5.If it is found that the petitioner had profited by putting the land to grow commercial crops or by leasing out the land for others to grow commercial crops, then whatever returns had been obtained must be deposited in the said Court. That particular Court will have to take a decision whether the amount should be returned back to the petitioner or should be divided among the depositors / claimants.

6.A direction is given to the learned Special Judge, TNPID Court, Coimbatore, to examine the entire issue relating to FIR in Crime No.730 of 2023 registered by the respondent, S.S.I of Police, Perundurai Police Station, Erode District, under Sections 447, 453 and 188 of IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984



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and pass appropriate orders for recovery of the amounts after following due procedure and giving due opportunity to all sides in this regard.

7.With the above observations, this Court is inclined to grant anticipatory bail to the petitioner and with certain 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate, Perundurai, 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.

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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

[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.

[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.

06.02.2024

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