



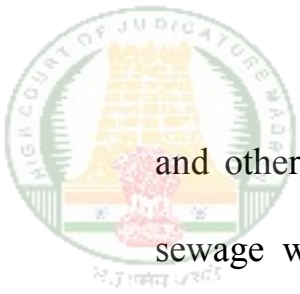
Crl.O.P.No.28724 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 189(2), 126(2), 221 and 351(3) of BNS, 2023 and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.241 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant one Anandhan, lodged a complaint with the respondent police, stating that the petitioner along with other accused prevented the Officials of the Alangayam Town Panchayat, to discharge their duty and threatened the Officials with dire consequences. It is also further submitted that the accused had involved in illegal mining of sand from the Government land worth about Rs.5,000/-, thereby caused damage to the Government land. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and no way connected with the alleged offence and he has been falsely implicated in the case. He further submitted that the petitioner



and other villagers gathered and demanded the Official to survey the land for sewage well in that area and in order to curtail public uproar and due to political animosity, a false complaint has been lodged against the petitioner. He would further submit that the petitioner has no previous case and without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner along with other accused had deter the Officials from discharging their duty and also threatened them with dire consequences. He would further submit that the petitioner and other accused have damaged the Government land, by illegal mining of sand, worth about Rs.5,000/-. He would also submit that there is no previous case as against the petitioner and the investigation is pending.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the



submissions made by the learned counsel on either side and taking into considering the fact that the petitioner has no previous case and voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of District Legal Services Authority, Thirupathur District, without prejudice to his rights and contentions before the trial Court.

7. It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.

8. Accordingly, the petitioner shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Thirupathur District**, and on such deposit and on receipt of proof of payment, 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.III, Thirupathur*



on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) 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 conditions 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 report before the respondent police everyday at 10:30 a.m., for a period of one week 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 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 269 B.N.S.

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