



Crl.O.P.No.28963 of 2024

A.D.JAGADISH CHANDIRA, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, in Crime No.604 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Village Administrative Officer at Chinnamapettai, Thiruttani Taluk, Thiruvallur District, obtained an information on 13.10.2024 that the petitioner along with the other accused had cut down and removed 25 nos of Palm trees in their neighbour's land through JCB vehicle. On enquiry, the VAO came to know that the said land is classified as ownerless property. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is the friend of A1, other than that he has nothing to do with the alleged offence. He would further submit that no previous case is pending against the petitioner. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl. Side), while opposing the grant of anticipatory bail, would submit that the petitioner along with the other accused illegally removed 25 Palm trees worth about Rs.25,000/-. He would further submit that on instruction of A1, the petitioner and other accused committed the said offence. He would further submit that no previous case is pending against the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking into consideration the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***Judicial Magistrate,***



Tiruttani, 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 condition that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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 269 of BNS.

20.11.2024

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