



Crl. O.P. No.30432 of 2024

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P. DHANABAL.J.,

The petitioner / Sole Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 132 and 351(3) of B.N.S. in connection with the Cr. No.178 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 03.10.2024 at around 2 p.m., the defacto complainant, who is the Village Administrative Officer, Naravallur Agraharam Village, Namakkal District came to know that the Tamarind Trees in S.No.152 in Naravalur Agraharam are being uprooted by using JCB machine and at 2.30 p.m., it was confirmed that four Tamarind trees had indeed been removed and pushed to the North. Further it came to know through one Ganesan S/o. Ramasamy, Patta holder of Survey No.150/7 near the Cemetery Poramboke Survey No.152, that the petitioner herein had uprooted the trees. When the defacto complainant enquired the petitioner, he abused the defacto complainant in filthy language, attacked and caused grievous injuries to him. Hence, the case.

3. The learned counsel for the petitioner would contend that the



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respondent police have registered a false case as against this petitioner for the alleged offences under Sections 296(b), 115(2), 132 and 351(3) of B.N.S. According to the prosecution, the petitioner had uprooted the Tamarind Trees. In fact, he is an innocent and he has not uprooted Tamarind Trees and only based on the information, the defacto complainant has given this false complaint and the respondent police have also, without proper investigation, registered the case and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the Village Administrative Officer, Naravallur Agraharam Village, Namakkal District has lodged a complaint by stating that the petitioner had uprooted the Tamarind Trees in S.No.152 in Naravalur Agraharam by using JCB vehicle and when the same was questioned by the defacto complainant, the petitioner abused him with filthy language, attacked him. Further, the petitioner has two previous cases and hence he strongly objected to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the



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nature of offences, considering the fact that nobody was injured in this case and though the petitioner has two previous cases pending against him, he was granted bail in those cases, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is orderd to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.I, Namakkal** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m. for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;



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[c] the petitioner shall not leave India without the previous permission of the Court;

[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

05.12.2024

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To

- 1.The Judicial Magistrate No.I, Namakkal
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Nallipalayam Police Station, Namakkal District.

P.DHANABAL,J

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