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Crl.O.P.No.27696 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.27696 of 2023

Sivasakthi

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
Crime No.236 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.236 of 2023 on the file
of the respondent.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

For Intervenor : Mr.K.Siva

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 17.11.2023, for the offences registered under Sections 3(1) of TNPPDL



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Act and 506(i) of IPC, in Crime No.236 of 2023 on the file of the respondent Police, seeks bail.

2. There are totally nine accused. The petitioner is arrayed as A1. The petitioner is the Panchayat President of Manyathalli Village at Dharmapuri District. It is stated that the defacto complainant had constructed two shops in a land which is the subject matter of civil dispute. According to the defacto complainant and also according to the respondent, the land is the patta land of the defacto complainant. However, the stand of the petitioner/Panchayat President is that the land is a poromboke land. That issue will have to be examined during the course of trial in the existing civil dispute. But till such time, the petitioner herein cannot take law in his own hand and demolish the shops.

3.The learned counsel for the petitioner stated that the petitioner is prepared to deposit the amount as compensation for demolition of the shops. He also stated that he would deposit a sum of Rs.5,00,000/- which is the amount mentioned in the FIR and that all other accused have been granted either bail or anticipatory bail.

4.Taking all these factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:



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5. Accordingly, the petitioner is ordered to be released on bail on condition to 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 Judicial Magistrate No.II, Dharmapuri, and on further conditions that:-

[a] 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 deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.236 of 2023 before the learned Judicial Magistrate No.II, Dharmapuri and on such deposit, the learned Judicial Magistrate No.II, Dharmapuri may hand over the said amount to the defacto complainant. The petitioner shall deposit the said amount on or before 19.01.2024.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself



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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.

03.01.2024

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To

- 1.The Judicial Magistrate No.II, Dharmapuri.
- 2.The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
- 3.The District Prison, Dharmapuri.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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