



Crl.O.P.No.28593 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners/A1 to A4 seek anticipatory bail in Crime No.480 of 2023 registered by the respondent Police for the offences punishable under Section 427 of IPC and Section 3 of TN Public Property (Prevention of Damages & Loss) Act, 1992.

2. The defacto complainant is the Village Administrative Officer. It is stated that the land in Survey No.755 of 2013 in Morur village in Sankari Taluk, Salem District had been classified in the revenue records as poramboke land, but which is in occupation of the defacto complainant. That particular land is also used as pathway to mayanam by the villagers.

3. The defacto complainant had however put up 14 coconut trees and the petitioners herein/villagers had properly presumed that because the defacto complainant had put up coconut trees. She also claimed title over the land. Objecting over that a decision was taken to cut down the coconut trees. The central issue to be examined as to whether the defacto complainant had right to occupy the said land.



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4. However, taking all other factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.I, Sankari**, on condition that the petitioner shall execute a separate 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 petitioners 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 third and fourth petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required and first and second petitioners shall report before the respondent as and when required.



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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 229A IPC.

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