



Crl.O.P.(MD) No.8021 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.05.2024

PRESENT

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD) No.8021 of 2024

1.Muthu

2.Sakthivel

3.P.Mariappan

4.T.Paramasivan

...Petitioners/ Accused Nos.1 to 4

Vs.

The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Crime No.63 of 2024)

...Respondent/ Complainant

For Petitioners : Mr.S.Srikanth, Advocate
for M/s.APN Law Associates

For Respondent : Mrs.M.Aasha
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.63 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 143, 283, 291 of I.P.C. and Section 83(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.63 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The complainant is the Village Administrative Officer (VAO) of Thalaiyuthu Village, Tirunelveli District. The case of the prosecution is that on 26.01.2024, from 10 a.m., about 60 gents, 150 ladies and 25 children belonging to the Keezhathenkalam and Melathenkalam Village, Nallammalpuram, Nachankulam, Thenkalam, Pudur Villages had staged a Dharna/Protest without any prior permission stating that Clean Tech Solar Company has to install solar panels in their villages, whereby, they are affected and the said company also encroached the land of the villagers. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that in the guise of occupying the Government Poramboke Land as well as the H.R. & C.E.'s Lands, the said private solar company encroached the patta lands belonging to the



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villagers and was trying to install solar panels. The company has also obstructed water streams and canals and also started erecting fences over the vast area obstructing ingress and egress into the properties of the villagers.

4. The learned counsel for the petitioners would further submit that RTI information gathered from the various Government Authorities revealed that no permission was granted to the private solar company and it is nothing but an encroachment. Despite several representations to the Revenue Authorities, they deliberately and wantonly kept silence. In order to protect their property, the villagers had staged a Dharna/Protest. He would further submit that the petitioners have rights to protect their property and that no offence has been made out. Hence, he would seek anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that prior to the Dharna/Protest, a meeting was held before the Revenue Divisional Officer on 24.01.2024, where, the villagers were requested not to spread the false information and also requested to approach the Munsif Court with relevant documents if they feel that their properties were encroached by the said Solar Company. However, without any permission, the



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petitioners along with others had staged the said Dharna/Protest illegally.

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Therefore, the Village Administrative Officer had lodged the complaint with the respondent police.

6. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, Tirunelveli District, on condition that the petitioners shall execute a Bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar Card or Bank Pass Book to ensure their identity.



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[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with the 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 are 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 petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A of IPC.

sd/-
30/05/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JEN



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THALAIYUTHU POLICE STATION TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M/S.APN LAW ASSOCIATES, Advocate (SR-5996[I] dated 30/05/2024)

ORDER
IN
CRL OP(MD) No.8021 of 2024
Date :30/05/2024

SS/VR/SAR- /04/06/2024/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023