

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15486 of 2020

Saravanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Jalakandapuram Police Station,
Salem District
(Crime No.58/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail in the event of arrest of the petitioner in connection with Crime No.58 of 2020 on the file of the respondent police.

For Petitioner : Mr.R. Jayaprakash

For Respondent : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offences publishable under Section 3(1) of the Prevention of Damages to Public Property Act, 1984 in Cr. No.58 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per defacto complainant is that on 24.02.2020 the petitioner and his wife Selvi had damaged the public bore well of karaikkapatti village, due to which drinking water could not be supplied to the residents of the village. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a innocent person and he has been falsely implicated in this case. He would further submit that due to political vengeance, the defacto complainant who is president of Karikkapatti had lodged a false complaint against the petitioner. He would also submit that one Balusamy/Tank operator refused to provide water to the the

petitioner, hence, the petitioner has lodged a complaint to the Assistant Director of Rural Development against the Balusamy, based on the said complaint the Assistant Director of Rural Development had directed the Block Development Officer to take action against the said Balusamy and in retaliation this complaint is given. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and his wife has damaged the bore well of the village which amounts to Rs.25,000/- However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and the submissions made by the learned counsel for 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 his appearance, within a period of fifteen days from the date on which the copy of the order is made ready, before the Judicial Magistrate Court No.II, Mettur 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 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 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter every Monday, until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate 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 himself 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.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
01/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT
NO.II, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
JALAKANDAPURAM POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary charges SR.No.6624

सत्यमेव जयते

CRL OP.15486/2020

Date :01/10/2020

cs 13/10/2020

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