

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9152 of 2020

Muthukumar (A1)
S/o.Murugaiyan
Aranmanai Theru, Chettiyamoolai Thenpathi,
Thiruvarur District.

... Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
Alivalam Police Station,
Thiruvarur District.
Crime No.634 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the **petitioner on anticipatory bail in the event of his**
arrest in Crime No.634 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Srinivasan
For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(1) of Prevention of Damage to Public Property Act, 1984 in Crime No.634 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with two other accused have damaged the hand pump provided by the Panchayat. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the complaint and FIR is false and hypothetical. He would further submit the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that to prove his bonafide, the petitioner is ready and willing to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of crime No.634 of 2020. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that totally there are three accused and the petitioner herein is ranked as A1. The petitioner and two other accused have damaged the two hand pumps which were provided by the Panchayat. He would further submit that the total value of the property is worth about Rs.4,500/- and hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of crime No.634 of 2020, within a period of one week from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Thiruthuraipoondi, 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:

[a] 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.

[b] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of crime No.634 of 2020 before the concerned Magistrate, within a period of one week from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

[g] 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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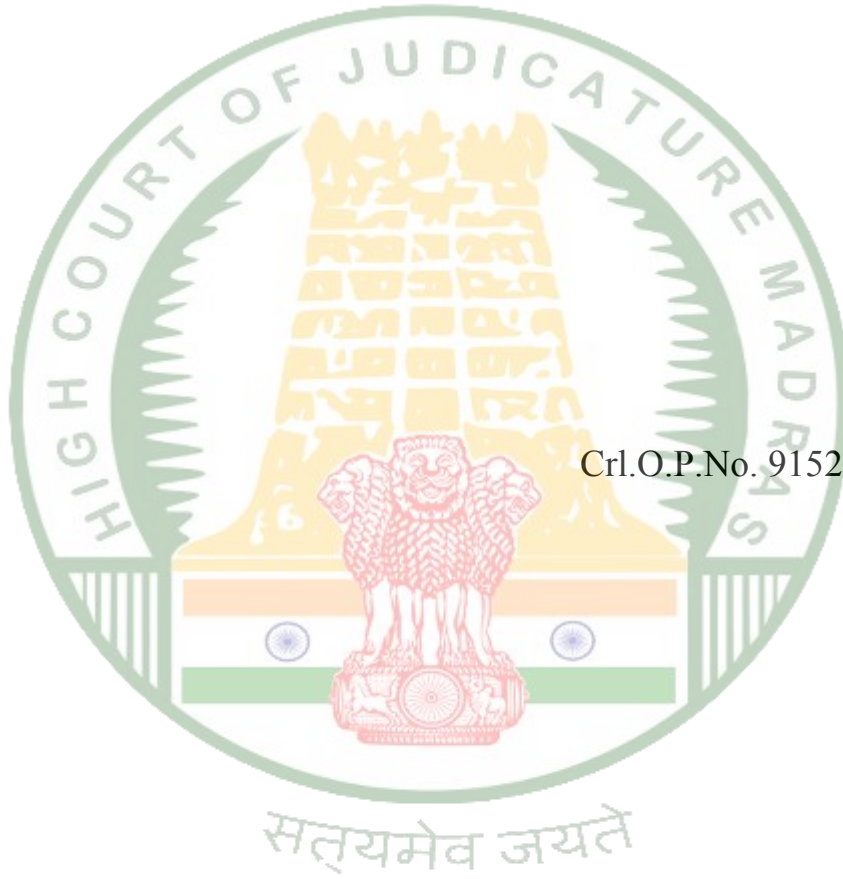
To

1. The Inspector of Police,
Alivalam Police Station,
Thiruvavarur District.
2. The Public Prosecutor,
Madras High Court,
Chennai.

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G.K.ILANTHIRAIYAN, J

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