

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13612 of 2020

1.Mallika, M/62,
W/o.Selvaraj
No.116, Pambaliyar Street
Edakeelayur Post
Mannargudi Taluk, Thiruvarur District.

2.Jayakumar, M/37
S/o.Jagadeesan
No.5/289, Vadakkukadu
Therkunatham, Edakeelayur Post
Mannargudi Taluk, Thiruvarur District.

3.Pugazhendhi, M/45
S/o.Subbaiyan
No.227, Vadakkukadu
Therkunatham, Edakeelayur Post
Mannargudi Taluk, Thiruvarur District.

4.Thangadurai, M.37
S/o.Selvaraj
No.116, Pambaliyar Street
Edakeelayur Post
Mannargudi Taluk, Thiruvarur District.

5.Muruganantham, M/45
S/o.Alagiri
138, Muddukku Street
Mannargudi Taluk
Thiruvarur District.

6. Premkumar, M/42
S/o.Nallathambi
48, Pambaliyur Street
Mannargudi Taluk
Thiruvarur District.

7. Yogeswaran, M/32,
S/o.Gunasekaran
No.363, Therku Street
Edakeelayur Post
Mannargudi Taluk,
Thiruvarur District

8.Arivalagan, M/39
S/o.Kaliyamoorthy
No.419, Therku Street
Mannargudi Taluk
Thiruvarur District.

.. Petitioners

Vs.

The State by the Inspector of Police
Vaduvoor Police Station
Thiruvarur District
Cr.No.1267 of 2020

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.1267 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Nalliappan

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act 1992, in Crime No.1267 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant / Block Development Officer is that the petitioners who are the members of the Panchayat had demolished the old dilapidated Government building by passing resolution without obtaining any permission from the Block Development Officer.

3. The learned counsel for the petitioners would submit that the petitioners are elected local body members and that the building was in dilapidated condition and on the fear that it will cause damage to the general public, they demolished the building without understanding the consequences. He would further submit that the petitioners are prepared to appear before the respondent police for any kind of enquiry. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners have demolished the old Government building by passing a resolution in the Panchayat, without obtaining prior permission from the Block Development Officer.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also, the alleged amount has been repaid, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Mannargudi, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

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

[e] the petitioners 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 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].

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

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

-sd/-
03/09/2020

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,
NO.I, MANNARGUDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VADUVOOR POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S R.NALLIYAPPAN Advocate on payment of necessary charges

CRL OP.13612/2020

Date :03/09/2020

RD 16/09/2020

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