

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDRA

Cr1.O.P.No.13867 of 2020

L.Vajiravel @ Arunachalam

... Petitioner

-Vs-

State Rep by

The Inspector of Police,
Barur Police Station,
Pochampalli Taluk,
Krishnagiri District.

.... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.100 of 2018 pending on the file of the respondent police.

For Petitioner : Mr.L.Munisamy

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 3 of The Prevention of Damage to Public Property Act, 1984, in Crime No.100 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has demolished the Government Co-operative Society building, without getting appropriate approval from the concerned authority. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is the owner of the JCB vehicle and he is not aware

of the fact and also the petitioner was not present in the scene of occurrence. On the date of the occurrence the driver had driven the JCB. After demolishing the building the petitioner came to know that the appropriate authority has not passed any order to demolish the building. He further submitted that the other accused persons have been enlarged on bail by the lower Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the owner of the JCB vehicle and he is not aware of the fact and also the petitioner was not present in the scene of occurrence. He further submitted that the investigation has been completed and also submitted that the co-accused had been enlarged on bail by the lower Court.

5. Taking into consideration the facts and submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, **within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, before the **learned Munsif Cum Judicial Magistrate, Pochampalli, Krishnagiri District**, 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 automatically 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 report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioner 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 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]**.

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

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

-sd/-
07/09/2020

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 MUNSIF CUM JUDICIAL MAGISTRATE,
POCHAMPALLI, KRISHNAGIRI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BARUR POLICE STATION, POCHAMPALLI TALUK,
KRISHNAGIRI DISTRICT,

+1 CC to M/S L.MUNISAMY Advocate on payment of necessary charges SR.NO.6163

CRL OP.13867/2020

Date :07/09/2020

GKS:17/09/2020