

Crl.O.P.No.13711 of 2021

M.DHANDAPANI.J

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 427 448 and 506(ii) of IPC r/w 3 of TN Public Property (PRVNT of Damage and Loss) Act 1992, in Crime No.225 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a dispute between the petitioners and the defacto complainant. Due to which the petitioners entered into the house of the defacto complainant and set fire to his tractor and also caused damages to house hold articles. The value of the damages come to Rs.8,00,000/- approximately. Hence, the complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to his rights, the petitioners is ready to deposit the amount of Rs.2,00,000/- to the credit of the

crime number and also conceded the same may be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking may be obtained from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.2,00,000/- shall be returned to him.

4.The learned Government Advocate (Crl.Side).appearing for the respondent submitted there is no previous case pending as against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners..

5.Considering the fact of the case and there is no previous case pending as against the petitioners,, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners 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 of receipt of a copy of this order, before the learned Judicial Magistrate

No.1, Ulundurpet Taluk, on condition that the petitioners 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 and on further condition that:

(a) the petitioners shall deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of Cr.No.225 of 2021 before the ***learned Judicial Magistrate No.1, Ulundurpet Taluk***, within a period of two weeks from the date of receipt of a copy of this order . On such deposit being made, the learned Judicial Magistrate No. 1, Ulundurpet, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.2,00,000/- deposited by the petitioners to the credit of Cr.No.225 of 2021 will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

© the petitioners shall report before the respondent

police 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;

(f) 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

सत्यमेव जयते

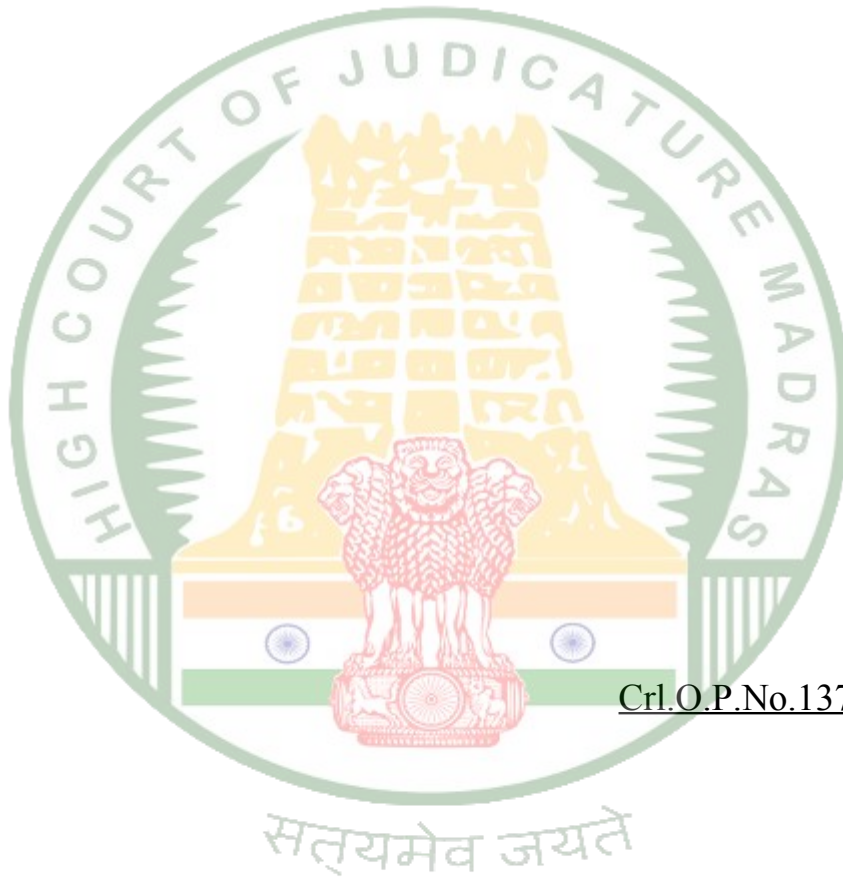
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