



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24471of 2021

1.Kannaiyan
2.Muthusamy

.. Petitioners

Vs.

The State represented by
The Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No.840 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of arrest in Crime No.840 of 2021 on the file of Omalur Police Station, Salem District.

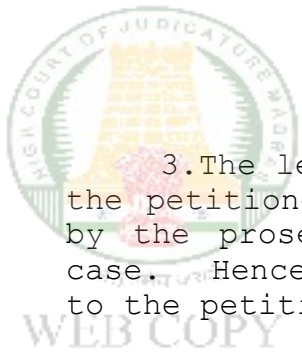
For Petitioners : Mr.T.Ganesan

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Cr1.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Section 3(1) TN Public Property (Prevention of Damage and Loss) Act in Cr.No.840 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the unused dangerous well was closed as per the Order of the Collector, Salem vide order dated 11.11.2021 is situated at Adi Dravida Street, Thanthiyampatty Village. It is further alleged that the petitioners/accused persons damaged the said well two months prior to close the well. Hence, the complaint.



3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that the unused dangerous well was closed as per the Order of the Collector, Salem vide order dated 11.11.2021 situated at Adi Dravida Street, Thanthiyampatty Village, during the peace committee conducted by the Tahsildar, five villagers stated that the said well was damaged by the two persons who are petitioner herein. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both counsel and also considering the fact that there was no serious allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 from the date of receipt of a copy of this order, before the **learned Judicial Magistrate, Omalur** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each, 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:

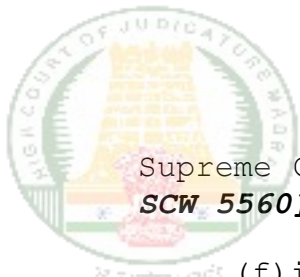
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 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;

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

-sd/-
15/12/2021

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,
OMALUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.T.GANESAN Advocate on payment of necessary charges SR.NO.14971

CRL OP.24471/2021

Date :15/12/2021

TA-27/12/2021