



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

CrI.O.P.No.688 of 2022

1.Sekar
2.Venkatesan

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Melpadi Police Station,
Melpadi, Vellore District
(Crime No.362 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their in Crime No.362 of 2021 on the file of the Inspector of police, Melpadi Police Station, Vellore District.

For Petitioners : M/s.G.Vinodhkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b) IPC r/w 3 (1) of Prevention of Damage to Public Property Act 1984 in Crime No.362 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the A1 and A2 demolished the defacto complainant's house compound wall and damaged the grill gate and abused with filthy language and threatened with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any such offences as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, he submits that the petitioners without prejudice to their rights, on their own volition, are ready to deposit a sum Rs.10,000/- each to the credit of Crime No.362 of 2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor on instructions submits that the A1 and A2 damaged the compound wall of the defacto complainant and other residents. He further submits that even local Panchayat President asked them to stop, but they did not bother about the same. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both counsel and the petitioners are ready to deposit a sum Rs.10,000/- each to the credit of Crime No.362 of 2021, 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, before the learned Judicial Magistrate Katpadi, on condition that the petitioners shall execute a bond 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 conditions that:

(a) the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.362 of 2021, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and the defacto complainants are permitted to withdraw the said deposit amount of Rs.20,000/- on proper identification and acknowledgment;

(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;

(c)the petitioners shall report before the respondent police on Tuesday and Saturday at 10.30 a.m, for a period of four 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;

(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.

-sd/-

12/01/2022

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,
KATPADI

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
MELPADI POLICE STATION,
MELPADI, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S G.VINODHKUMAR Advocate on payment of necessary
charges Sr.685

CRL OP.688/2022

Date :12/01/2022

RVR 21/01/2022