



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventh day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5240 of 2022

1 RAMESH
2 MARIYAPPAN
3 P.S.DEIVARAJ

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
TIRUCHENGODE RURAL POLICE STATION,
NAMAKKAL DISTRICT.
(CRIME NO.NOT KNOWN OF 2022)

[RESPONDENT]

For Petitioner : M/S.C.S.SARAVANAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehend arrest by the respondent police for the offences punishable under Section 3(1) of Tamil Nadu Prevention of Damage to Public Property Act, 1984, in Crime No.77 of 2022, are before this Court seeking anticipatory bail.

2. On perusal of the First Information Report indicates that the petitioners and others damaged the pipe lines which are meant for irrigation purpose, worth about Rs.45,000/-.



3. The learned counsel appearing for the petitioners states that the first petitioner is the owner of the land and he has no knowledge about the pipes laid under the land. While levelling the said land, the pipes got damaged.

4. Considering the above fact, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruchengode, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which, the anticipatory bail shall stand cancelled and on further condition that:

(a) the petitioners shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) jointly to the credit of Crime No.77 of 2022 on the file of the respondent police and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner. The final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

(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 Investigating Officer daily at 10.00 am., until further orders.

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
07/03/2022

WEB COPY

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,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUCHENGODE RURAL POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges SR.NO.3585

CRL OP.5240/2022

Date :07/03/2022

JPA 16/03/2022