



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9593 of 2022

1 GOVINDAN @ GOVINDARASU
2 RAMASAMY

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
MAGUDAMCHAVADI POLICE STATION,
SALEM DISTRICT.
CRIME NO.114 OF 2022.

[RESPONDENT]

For Petitioners : M/S. B.SUNDARAPANDIYAN 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 herein, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 353 of IPC and Section 3(1) of TN Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.114 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners herein had damaged the water pipeline of the public distribution system. When the municipal authorities tried to restore the water supply, they prevented them. One of the accused arrested and these two petitioners herein are absconding.

3. The learned counsel for the petitioners would submit that it is only a political rivalry and when the petitioners questioned the municipal authorities for allowing illegal tapping of drinking water by the influential persons, the authorities have given a false complaint.



4. However, the learned Government Advocate (crl.side) furnished some photographs of the damaged pipeline and submitted that for political reasons these petitioners have prevented the municipal authorities from restoring the water service to the public.

5. Considering the nature of the allegation made against these petitioners and the damage caused, this Court is inclined to grant anticipatory bail to the petitioners on condition that each of the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.114 of 2022 within a period of seven days from the date receipt of copy of this order without prejudice to their right to prove their innocence. 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 No.II, Sankari on condition that each of the petitioners shall execute a separate 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 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 10.30 a.m., 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
27/04/2022

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,
NO.II, SANKARI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MAGUDAMCHAVADI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. B.SUNDARAPANDIYAN Advocate on payment of necessary charges SR.NO.6329

CRL OP.9593/2022

Date :27/04/2022

JPA 05/05/2022