



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K.ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13338 of 2022

1 SARALA [PETITIONERS]
2 AMBIKA
3 VENKATESAN
4 SARAVANAN
5 SUNDRAM

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE
VEPPANKUPPAM POLICE STATION,
VELLORE DISTRICT.
CRIME NO.135 OF 2022.

For Petitioner : M/S.M.SATHISH KUMAR, Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

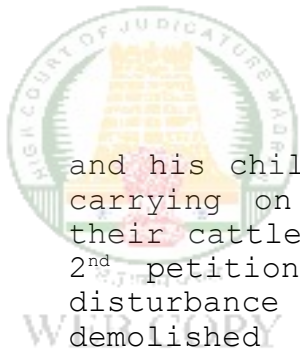
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 147 of IPC r/w Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act 1992 in Crime No. 135 of 2022, seek anticipatory bail.

2. The case of the prosecution is that all the petitioners joined together and demolished the bore well and water tank situated in Survey No.73/2 using JCB. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the property situated in Survey No.73/2 was originally owned by the 2nd petitioner's husband viz., Murugesn and the patta was also issued in favour of him. After his demise, the 2nd petitioner



and his children inherited the said property. The petitioners were carrying on the agricultural activities and in order to maintain their cattle, they had constructed the water tank and borewell. The 2nd petitioner had sold all the cattle and water tank was a disturbance to the path way, for which, the petitioners had demolished the said water tank. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to land dispute, the petitioners joined together and demolished the bore well and water tank worth about Rs.2,00,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioners

5. Considering the above fact and circumstances of the case and also considering the submissions made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate No.III, Vellore, on condition that each of the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the 1st and 2nd petitioners shall report before the respondent police as and when required for interrogation.

[c] the 3rd, 4th and 5th petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/06/2022

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,
NO.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VEPPANKUPPAM POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.M.SATHISH KUMAR, Advocate on payment of necessary charges SR.NO.8747

CRL OP.13338/2022

Date :09/06/2022

TA-10/06/2022