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CrI.O.P.No. 18571 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 143, 186, 341, 353 of IPC r/w. Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act 1992 in Crime No.84 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant is a conductor of Government Bus bearing Registration No.TN-23-1624 flying from Thiruppathur to Alangayam Route T14B. While so, on 26.06.2022 the driver of the bus viz., Gangatharan took the bus from Thiruppathur and proceeded towards Alangayam. On the way, near Kurisilapet, in the opposite direction, some persons were sitting in front of the road and conducting road rocco and police officials were pacifying by them. After convincing them, the bus proceeded towards Alangayam at that time, near Koothandavar Koil, they heard a sound and saw that the back side mirror of the bus was damaged. They immediately stopped the



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bus and found 5 named accused persons and others flew away from the place of occurrence. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there are totally 23 accused, in which the petitioners are arrayed as A6 to A19. A1 and the victim girl had love affair and eloped. The complaint has been lodged by the parents of the victim girl and a case has been registered in FIR No.83 of 2022 under the POCSO Act as against the first accused. Due to which, the petitioners along with other accused persons, sat in front of the road and conducted road rocco and damaged the back side mirror of the bus. The first accused was arrested and remanded to judicial custody under POCSO Act. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Considering the facts and circumstances of the case, each of the petitioners shall deposit a sum of Rs.5,000/- to the Tamil Nadu State Transport Corporation, Villupuram Kottam and on such deposit being individually made by the petitioners, they 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 is made ready, before the learned Judicial Magistrate No.II, Thiruppathur, on condition that the petitioners shall execute a separate 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, 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.



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[b] the petitioners shall report before the respondent police daily at 10.30 for a period of two weeks and thereafter 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]**.

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

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