



Crl.O.P.No.23670 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act and Section 506(ii) of IPC in Crime No.482 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners protested against the speech made by the Member of the Parliament and they have threatened the shop keeper to shut down the doors. When they objected to close the doors, the petitioners have caused damage to the barbour shop run by the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case, since they belong to a particular political party. He would further submit that the arrested accused has been enlarged on bail by the trial Court with a condition to deposit Rs.10,000/- to the credit of Crime



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Number. He would also submit that without prejudice the petitioners are prepared to deposit a sum of Rs.5,000/- each to the credit of Crime Number. Hence, he prays to grant bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioners protested against the speech made by the Member of the Parliament and they have threatened the shop keeper to shut down the doors. Whey they objeccted to close the doors, the petitioners have caused damage to the barbour shop run by the defacto complainant. He would further submit that the petitioners have no previous case as against them. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and submissions of the learned Counsel and also of the fact that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;



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6. Accordingly, the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Crime No.482 of 2022 and on such deposit, 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, Avinashi on condition that each of the petitioners 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 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.



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[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;

28.09.2022

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