



Crl.O.P.No.24849 of 2022

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.209 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant who is the Zonal Deputy Block Development Officer, Panchayat Union, Yercaud, Salem is that the petitioner/ accused has caused damage to the pipe from the Syntax Tank of the Panchayat worth about Rs.20,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the owner of the property and without following due procedure, the respondent has installed a water tank in the petitioner's premises and when the same was questioned by the petitioner, a false complaint was registered against him. He would further submit that



Crl.O.P.No.24849 of 2022

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without prejudice the petitioner is prepared to deposit a sum of Rs.10,000/- towards the alleged damage caused to the Water Tank.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner has caused damage to the pipe from the Syntax Tank of the Panchayat worth about Rs.20,000/-. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of Rs.10,000 (Rupees Ten Thousand only) **to the credit of Crime No.209 of 2022**, on such deposit



Crl.O.P.No.24849 of 2022

WEB COPY

and production of proof, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of on condition that the petitioner shall execute a bond for **a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties** 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 petitioner 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 petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court



Crl.O.P.No.24849 of 2022

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.

**14.10.2022**

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**A.D.JAGADISH CHANDIRA, J.**

Page 4 of 5



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Crl.O.P.No.24849 of 2022

vkr/mka

**Crl.O.P.No.24849 of 2022**

**14.10.2022**