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Crl.O.P.No.25127 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 offences punishable under Sections 143, 188, 341 and 353 of IPC read with Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.84 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that during the protest in respect of elopement of a girl, the accused along with other persons had waylaid the Government bus in which the defacto complainant is working as a Conductor and pelted stones on the bus resulting in damages to the back side mirror of the bus worth about Rs.20,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given as against the petitioner. He would further submit that without prejudice,



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each of the petitioner is prepared to deposit a sum of Rs.3,000/- to the credit of the crime number towards the alleged damage caused to the Government bus and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that 5 named persons along with 15 other persons waylaid the Government bus in which the defacto complainant is working as a Conductor and pelted stones on the bus resulting in damages to the back side mirror of the bus worth about Rs.20,000/-. He would further submit that there is no previous case pending against the petitioner and however, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner is prepared to deposit a sum of Rs.3,000/- to the credit of the crime number towards the alleged damage caused to the Government bus, this Court is



inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Crime No.84 of 2022 and on such payment, the petitioner is 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 **Judicial Magistrate Court-II,Thiruppathur**, on condition that the 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, 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 deposit a sum of Rs.3,000/- (Rupees Three



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Thousand only) to the credit of Crime No.84 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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