



Crl.O.P.No.26640 of 2022

A.D. JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448 and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 in Crime No.519 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per defacto complainant/Ambika is that she has constructed a house measuring 1800sq.ft at Plot No.49, S.No.233, Vijayalakshmi Nagar Extension-II, Pothur Village. On 17.10.2022, she had gone out of the house, during that time, the accused had razed the house and caused damage and it was informed to her by one Sahul. Hence, the complaint.

3. The learned Senior counsel appearing for the petitioner would submit that the petitioner is the owner of the property and the defacto complainant had encroached upon the property and put up a temporary shed and refused to vacate the same and there was a civil dispute pending regarding the same, hence, a false complaint has been given against the petitioner. He would seek for anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) would submit that it is true that civil dispute litigation is pending between the parties. The case is that the defacto complainant is residing in the plot from 2019 onwards and the accused had razed the house and evicted the defacto complainant. He would submit that the investigation is pending.

5. The learned counsel for the intervenor/defacto complaint would submit that the defacto complainant is residing in the plot from the year 2019 and they have put up a pukka construction. Whereas, the accused without following the due process of law has damaged the entire house and thrown the petitioner out. Hence, he oppose for grant of anticipatory bail to the petitioner.

6. In reply, the learned Senior Counsel for the petitioner would submit that without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.1,00,000/- to the credit of crime number before the trial Court.

7. Taking into consideration the facts that civil litigations are pending between the parties, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :



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8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate, Ambattur, on condition that the petitioner 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.1,00,000/- (Rupees One Lakh only) to the credit of Cr.No.519 of 2022.

[c] the petitioner shall report before the respondent police daily at 10.30am for a period of two weeks and thereafter on every Saturday at 10.30am 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

<https://www.mhc.org.in> 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.

With the above directions, this Criminal Original Petition is ordered.

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