



Crl.O.P.No.26832 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 Sections 147, 120B of IPC r/w Section 3(1) of the Prevention of Damage to Public Property Act, 1984, in Crime No.348 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant Mariyappan, the driver of the Tamil Nadu State Transport Corporation (TNSTC) bus bearing Registration No.TN-68-N-0744, Mayiladuthurai Branch, is that the petitioners along with other accused have broken the rear glass of the bus bearing Registration No.TN-68-N-0744. While, the de facto complainant along with the Conductor tried to catch them, he noticed that they had already broken the Windshield of the bus bearing Registration No.TN-68-N-0267 and the rear glass of the bus bearing Registration No.TN-68-N-0585. In the complaint, the de facto



Crl.O.P.No.26832 of 2022

WEB COPY complainant stated that the cost of the damages is Rs.16,000/-. Hence the case.

3. The learned counsel for the petitioners would submit that petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that arrested accused/A1 to A4 have enlarged on bail by the trial Court in Crl.M.P.No.2076 of 2022 and the petitioners have no previous case against them. However, without prejudice, the petitioners are prepared to deposit a sum of Rs.500/- each to the credit of Crime No.348 of 2022. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners had damaged the Windshield and rear glasses of the TNSTC buses bearing Registration Nos.TN-68-N-0744, TN-68-N-0267 and TN-68-N-0585. He would further submit that the cost of the damages is worth about Rs.16,000/-. He would submit that there is no previous case against the petitioners and



Crl.O.P.No.26832 of 2022

the arrested accused/A1 to A4 have enlarged on bail by the trial Court in Crl.M.P.No.2076 of 2022. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submissions of either side, and also the fact that without prejudice, the petitioners are ready and willing to deposit a sum of Rs.500/- to the credit of crime No.348 of 2022, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of Rs.500/- (Rupees Five Hundred only) each, to the credit of Crime No.348 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the **Judicial Magistrate Court, Thiruvarur** on condition that each of the



Crl.O.P.No.26832 of 2022

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 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] each of the petitioner shall deposit a sum of Rs.500/- (Rupees Five Hundred only) to the credit of Crime No.348 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

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

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.



Crl.O.P.No.26832 of 2022

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[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]***.

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

04.11.2022

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Crl.O.P.No.26832 of 2022

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Crl.O.P.No.26832 of 2022

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