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Crl.OP.No.27166 of 2022

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

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 153, 504, 427 of IPC read with Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.325 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners, who belong to a particular political party have caused damage to the statue of the former Chief Minister Arignar Anna thereby intended to create enmity between two groups. Hence, the case.

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 are happened to be members of the political party. He would submit that even as per the FIR, the names of the accused are stated to be unknown and other two persons were arrested and enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners caused damage to the statue of the former Chief Minister Arignar Anna in order to create enmity between two groups. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case and also the fact that the other accused were arrested and have been enlarged on bail and the names of the petitioners are not even found in the FIR, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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 No.II, Villupuram,** on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, 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

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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 everyday at 10.30 a.m., for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[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].**

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

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

**11.11.2022**

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