



Crl.OP.No.28512 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 294(b), 341, 323, 307 IPC r/w Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.82 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 19.04.2019, due to previous enmity, the petitioners had waylaid the defacto complainant and abused him in filthy language and also assaulted him with wooden log. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and the petitioners were not aware of such incident. However, their names have been implicated since they happens to be the friends of the main accused. He would submit that charge sheet has been filed before the learned Judicial Magistrate, Tittagudi and the same has been taken on file in P.R.C.NO.4



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of 2021. He would submit that the learned Magistrate, without issuance of summons has straight away issued warrant of arrest against the petitioners. However, the petitioners are ready and willing to surrender and execute sureties to abide any stringent conditions as imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that final report has been filed in Crime No.82 of 2019, showing the petitioners as absconding accused and the case have been taken up in P.R.C.No.4 of 2021 and the same is pending committal on the file of the learned Magistrate, Tittagudi. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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



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days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tittagudi on condition that 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 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 learned Judicial Magistrate, Tittagudi on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned Magistrate.

[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.



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[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]**.

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

25.11.2022

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