



Crl.O.P.No.31623 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 427 of IPC @ 294(b), 425, 353 of IPC and Section 3 of TNPPDL Act in Crime No.256 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the Panchayat President. However, the petitioner has damaged the public water tank by making holes. When the same was questioned by the Block Development Officer, the petitioner along with two other Panchayat officials have stated that they have caused the damage for reconstruction of the water tank. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.31623 of 2022

4.The learned Government Advocate (Crl. Side) would submit that the petitioner has damaged the public water tank by making holes. Due to which, the Block Development Officer has called for explanation from the petitioner on 17.11.2022, for which, the petitioner has also given his explanation on 23.11.2022. He has also produced the copy of the letter and the reply before this Court. However, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that if the petitioner is granted anticipatory bail, there is no possibility of tampering of evidence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate Court No.1, Namakkal** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten**



Crl.O.P.No.31623 of 2022

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 report before the respondent Police on every Saturday at 10.30 a.m. for a period of six (6) weeks;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;



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Crl.O.P.No.31623 of 2022

T.V.THAMILSELVI,J.

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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 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]**;

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

22.12.2022

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Crl.O.P.No.31623 of 2022