



CrI.O.P.No.1197 of 2023

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T.V.THAMILSELVI, J.

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The petitioner who apprehends arrest for the alleged offence punishable under Section 427 of IPC and Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 in Crime No.433 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 09.12.2017, due to wordy quarrel, the petitioner wrenched the walky talky of a constable, one suresh and threw it away on the Komarapalayam National highways from the running car at that time and the same was missing. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that he has nothing to do with the alleged offence and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the



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petitioner.

WEB COPY 4. The learned Government Advocate (Criminal Side) submitted that on 10.12.2022, due to wordy quarrel, the petitioner wrenched the walky talky of a constable, one Suresh and threw it away on the Komarapalayam National highways from the running car at that time. He further submitted that the said walky talky was recovered. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel appearing on either side, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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, Namakkal District**, on condition that the petitioner shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten**



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 is directed to report before the respondent police as and when required for interrogation.

[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.

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

23.01.2023

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