

**Crl.O.P.No.4139 of 2023**

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**T.V.THAMILSELVI,J.**

The petitioner, who apprehend arrest for the alleged offence under Sections 294(b), 506(ii) of IPC in Cr.No.259 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.Defacto complainant is a Panchayat Deputy President. The case of the prosecution is that the petitioner had damaged the OHT water tank, motor pipe and motor switch, when the same was questioned by the defacto complainant, the petitioner abused him in filthy languages and threatened him with dire consequence. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, the learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of the **Crime No.259 of 2022**. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) would submit that petitioner had damaged the Water Tank and pipelines. He further submitted that the damage cost worth about Rs.75,000/-. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the petitioner is ready and willing to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of **Crime No.259 of 2022**, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned ***District Munsif cum Judicial Magistrate, Tharangambadi*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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with two sureties (out of which one surety must be blood related surety) 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 is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of **Crime No. 259 of 2022** before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the defacto complainant is permitted to withdraw the said deposit amount of **Rs.20,000/- (Rupees Twenty Thousand only)** by filing the necessary application before the trial Court.

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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(e)the petitioner shall not abscond either during investigation or trial;

(f)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 anticipatory 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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

**28.02.2023***dk*

To  
The \_District Munsif cum Judicial Magistrate,  
Tharangambadi

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