



Crl.O.P.No.5739 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 188, 431, 341, 353 IPC r/w Section 3(ii) of TNPPDL Act in Crime No.21 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ramachandar, Block Development Officer, is that the Panchayat had laid a tar road by spending a sum of Rs.2.30 Lakhs and that one Sakthivel and others from the Naduppatti village, caused damages to the said road. Subsequently, peace talks were initiated on 14.12.2022 and the Tahsildar ordered that the Status-quo has to be maintained till necessary orders are obtained from the Court. In such circumstances, the petitioners along with others once again damaged the said road and prevented the lorry owners of the quarry from transporting Jalli from their area and also created trouble. The damage of the road was assessed to tune of Rs.15,000/- and when the same was questioned by the officials, the



petitioners have threatened the officials. Hence, the complaint.

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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners are residents of Naduppatti Village. Some persons had started a quarry behind their village and they disturbed the peace of the village by transporting rough stones frequently and since it was questioned by the villagers, the false complaint has been given against them. He would further submit that the petitioners have no previous case against them and thereby, he would seek for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) would submit that the petitioners have illegally caused damages to the Tar Road laid by the Government and the loss is estimated to the tune of Rs.15,000/- and that the petitioners also prevented lorries from transporting rough stones from the quarry. Hence, he opposed to grant bail to the petitioners.



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5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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, Omalur, Salem District**, on condition that each of 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



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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 two weeks and thereafter, as and when required for interrogation.

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

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