



Crl.O.P.No.6779 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 147, 148, 294(B), 336 of IPC read with Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.85 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely Mugamathu Kiyasutheen is that on 10.03.2023, one Rajkumar was murdered and on 11.03.2023, during the funeral procession of the said Rajkumar, the petitioners along with other accused unlawfully assembled and caused extensive damages to the shop of the defacto complainant and when the same was questioned by the defacto complainant, they abused and threatened him with dire consequents. Hence, this case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely



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implicated in this case. However, without prejudice, the petitioners are ready and willing to deposit a sum of Rs.3,000/- each to the credit of crime number and they prayed to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners stating that the petitioners who have been arrayed as A1 and A2, along with other accused unlawfully assembled and caused extensive damages to the shop of the defacto complainant during the funeral procession of one Rajkumar and that the value of the damages is assessed as Rs.15,000/-. However, he would submit that there is no previous case against the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made on both sides and also of the fact that there is no



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previous case against the petitioners, 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 is made ready, before **the learned District Munsif cum Judicial Magistrate, Needamangalam,** on condition that the petitioners shall execute separate bonds 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioners is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand Only) each, to the credit of Crime No.85 of 2023 before the concerned Magistrate at the time of furnishing sureties.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall report before the respondent Police, everyday at 06.30 p.m. until further orders;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

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

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