



WEB COPY



CrI.O.P.No.6856 of 2023

CrI.O.P.No.6856 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447, 379 and 430 of IPC in Crime No.80 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Y.Suyampulingam, Village Administrative Officer, Mathur Village, Madhavaram Taluk, Chennai District, is that the petitioner/accused had committed theft of water from the Government Poramboke Land. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the water was taken for cattle and other than that, the petitioner has not committed any offence as alleged by the prosecution. He also submitted that the petitioner is ready and willing to



Crl.O.P.No.6856 of 2023

WEB COPY

furnish solvent sureties and abide by any stringent condition that may be imposed on him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner has committed theft of water from the Government land in S.No.198 in Mathur Village, Madhavaram Taluk, Chennai District. He further submitted that there is one previous case pending as against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

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



Crl.O.P.No.6856 of 2023

WEB COPY

7. 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, Madhavaram, Chennai District**, on condition that the petitioner shall execute a 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 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.**



Crl.O.P.No.6856 of 2023

WEB COPY

[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 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.

30.03.2023

arb



WEB COPY



Crl.O.P.No.6856 of 2023

A.D.JAGADISH CHANDIRA, J.

arb

Crl.O.P.No.6856 of 2023

30.03.2023