



Crl.O.P.No.7730 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 3(2)(a) of Prevention of Damage to Public Property Act, 1984, in Crime No.35 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused had demolished a Government bus stop shelter by using JCB and caused damage to the tune of Rs.2,00,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that the petitioner is only the owner of the work site adjacent to the bus stop shelter and the worker of the contractor damaged Government Bus stop shelter. He further submit that the co-accused in this case has been granted anticipatory bail by this Court in Crl.OP.No.6322 of 2022 dated 24.03.2023. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.15,000/- to any Welfare Scheme of the



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Government. Hence, he seeks for grant of anticipatory bail to the petitioner.

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4. The learned Public Prosecutor (Puducherry) appearing for the respondent Police would submit that the petitioner has caused damage to the Government bus stop shelter to the tune of Rs.2,00,000/-. He further submit that the co-accused has been granted anticipatory bail by this Court in Crl.OP.No.6322 of 2023 dated 24.03.2023. Hence, he would vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.15,000/- to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall make a non-refundable deposit of a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime Number 35 of 2023. On such deposit and production of proof, the petitioner is



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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 **Judicial Magistrate No.I, Karaikal**, 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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



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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.

17.04.2023

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