



Crl.O.P.No.8671 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 Sections 427 of IPC and Section 3(1) of Tamil Nadu Public Property (Prevent of Damage & Loss) Act, 1992 @ under Sections 147, 148, 153A, 120(B) of IPC and Section 3(1) of Tamil Nadu Public Property (Prevent of Damage & Loss) Act 1992, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ponraj, is that on 22.09.2022, some unknown person had caused damaged to the Tata Indica car which was parked outside his house. Later, it came to light that the accused who were the members of PFI had in protest against the banning of the organisation had caused damage to the vehicle belonging to BJP leaders which were parked outside the house. Hence, the complaint.



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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 would further submit that the similarly placed accused who were involved in similar case have been granted anticipatory bail and thereby he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner along with the other accused being antagonized by banning the Popular Front of India (PFI) have caused damage to the four wheelers belonging to the defacto complainant which were parked outside the house. Hence, he opposed for grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Considering the above fact and circumstances of the case and also the submissions made by the learned counsel on either side and also



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taking note of the fact that the co-accused has also granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 No.II, Pollachi** 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.



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[b] the petitioner shall stay at Ramanathapuram and report before the Ramanathapuram Town Police Station daily 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 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.

14.06.2023

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