



Crl.O.P.No.9989 of 2023

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S.SOUNTHAR, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147 and 506(i) of I.P.C. and Sections 3 and 5 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.91 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 18.04.2023, while the de-facto complainant was driving the bus in the assigned route, hundreds of people blocked the bus, hence, he parked the bus in the roadside. At that time, the petitioner along with other accused thrown stones on the front glass of the bus and broken it. Hence, a case has been registered against the petitioner and other accused.

3. The learned counsel for the petitioner submitted that the petitioners have not involved in the above said offence, they have been falsely implicated in this case. However, without prejudice to their rights and contentions, the petitioners are willing to deposit a sum of Rs.7,000/-



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each, to the credit of Crime No.91 of 2023 on the file of learned Judicial Magistrate No.II, Namakkal. Therefore, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the first petitioner has six previous cases pending against him and there was no previous cases pending against the petitioners 2 to 5. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Having regard to the nature of allegations made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of **Rs.7,000/- (Rupees Seven thousand only) each, to the credit of Crime No.91 of 2023** on the file of learned Judicial Magistrate No.II, Namakkal, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be



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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 No.II, Namakkal**, on condition that the petitioners shall execute a separate bond 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 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, report before the respondent police as and when required for interrogation.

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



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[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]**.

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

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