



Crl.O.P.No.11512 of 2023

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V.LAKSHMINARAYANAN. J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 427, 447, 506(i) and 109 of IPC r/w Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.24 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the due to previous enmity, the petitioners trespassed into the land of the defacto complainant and damaged the property worth about Rs.1,70,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners are innocent, hailing from a very respectable family, law abiding citizens and have not committed any offence as alleged by the prosecution. He would further submit that they have been falsely implicated in this case and however, they are ready to furnish substantial



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sureties and any conditions to be imposed by this Court for grant of anticipatory bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) submits that due to previous enmity, the petitioners trespassed into the land of the defacto complainant and damaged the property. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his/her/their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***District Munsif cum Judicial Magistrate Court,***



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Gummidipoondi on condition that the petitioners shall execute a separate bond each 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 and on further condition that:

(a) if the petitioners fail to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners shall make a separate non refundable deposit of **Rs.10,000/-** (Rupees Ten Thousand Only) each, through demand draft to the credit of Crime Number, without prejudice to his/ her/their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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(d) the petitioners shall report before the respondent police as and when required for interrogation;

(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]***; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.05.2023

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