



Crl.O.P.No.14117 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 427 IPC and Section 3 (1) of TN Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.5 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that petitioner is the owner of the JCB, which was said to have been used by the first accused to demolish the compound wall of the School. Petitioner was no way involved or responsible for demolishing the compound wall of the School.

3. In response, the learned Government Advocate (Crl.Side) submitted that petitioner is the owner of the JCB that was used for demolishing the compound wall of the School. He further submitted that the first accused was arrested and released on bail.



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4.Considering the facts of the case, where, it is alleged that the petitioner is only the owner of the JCB and he was not present in the spot when the compound wall was demolished and the fact that FIR was registered on 05.01.2022, custodial interrogation of the petitioner after this long duration is not necessary, this Court is inclined to grant anticipatory bail to the petitioner. Therefore, 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 - I, Tiruvallur**, on condition that the petitioner shall execute a 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 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 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 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.

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