



Crl.O.P.No.18084 of 2023

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**RMT.TEEKAA RAMAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC in Crime No.263 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had damaged the canal bank to the extent of 86 metres and taken away the sand and used it for levelling the land in Survey No.472/5A at Chinnamuthu village. Hence the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent person and he has been falsely implicated in this case. He would further submit that he has nothing to do with the alleged offence and without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.25,000/- towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (crl.side) for the respondent Police would submit that the petitioners had damaged the canal bank to the extent of 86 metres and taken away the sand and used it for levelling the land in Survey No.472/5A at Chinnamuthu village. He would further submit that there is no previous case pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

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

6.On considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of "Chief Minister's Public Relief Fund, Finance (CMPRF) Department", without prejudice to their rights and contentions before the trial Court.

7. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is



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open to the trial Court to deal with the case independently.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.25,000/- each to the credit of "Chief Minister's Public Relief Fund, Finance (CMPRF) Department", this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only) each** to the credit of "**Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F**" without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners



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are ordered to be 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, Kangayam** 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 four weeks and thereafter, as and when required for interrogation;**

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

[d] the petitioners shall not abscond either during



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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.

**17.08.2023**

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**RMT.TEEKAA RAMAN, J.**

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