



Crl.O.P.No.18916 of 2023

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WEB C RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 143, 147, 148, 457, 427 of IPC u/s.3(1) of Prevention of Damages to Public Properties Act, 1984 in Crime No.380 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 08.08.2023 at about 11 pm, at the instigation of the Petitioners, eight person damaged the compound wall of the Defacto Complainant, using crowbar. Already there is a dispute between the Defacto Complainant and one Subramani, regarding construction of house in Natham poromboke land. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the first Petitioner is a Chairman of Kangeyam Municipality, the second and third Petitioners are local residents. The Petitioners names are not found in the FIR. The Defacto Complainant lodged a false complaint at the instigation of the third parties. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Criminal Side) for the Respondent is vehemently opposed to grant anticipatory bail to the Petitioners.

5.Heard both sides and perused the materials available on record.



Crl.O.P.No.18916 of 2023

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the fact that the first Petitioner is a Chairman of Kangeyam Municipality, the second and third Petitioners are local residents and some of the Accused are said to have been arrested and released on bail as per the order of the Court below, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions.

7.Accordingly, the Petitioners are directed to deposit a sum of Rs.10,000/- to the credit of Crime No.380 of 2023, without prejudice to their rights and contentions before the trial Court and on such deposit and production of proof before the trial Court, the Petitioners 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, Kangeyam**, 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



Crl.O.P.No.18916 of 2023

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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, on everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required;

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

[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.

07.09.2023

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Crl.O.P.No.18916 of 2023

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Crl.O.P.No.18916 of 2023

07.09.2023