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Crl.O.P.No.19552 of 2023

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Reserved On	08.09.2023
Pronounced On	15.09.2023

RMT.TEEKAA RAMAN, J.

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences under **Section 379 of IPC in Crime No.359 of 2023** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 09.08.2023 at about 15.00 hours, the *de-facto* complainant Viz., Tr.Ramkumar, lodged a complaint before the respondent police stating that he is residing at No.3/33, Gundusalai Semmandalam, Cuddalore along with his family and he was doing building demolishing work. He has been working under contractor Vaithiyalingam for demolishing Thirupopuliyur Panpari Market. During the demolition of the said project, the iron and wooden things were collected and kept safely by the *de-facto* complainant. The accused persons Sakthivel/A1, who is a Councilor, Sathiya/A2 came with ten other persons in TATA ACE bearing Reg.No. TN-31-AB-2547 and took away the



said materials without permission. Hence, the complaint.

3. Mr.R.C.Paul Kanagaraj, learned counsel appearing for the petitioners would contend that due to a political situation, a false case has been foisted against the petitioners. The petitioners were entrusted to demolish the house and also permitted to take old wooden materials by the said Vaithiyalingam, who was awarded contract of the work. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.side) stated that the said Vaithiyalingam has entrusted the work only to the *de-facto* complainant and not to these petitioners herein and produced the CD Files.

5. Per contra, the learned counsel for the petitioners has handed over a copy of the representation dated 09.08.2023 said to have been issued by the “Annaithu Viyabarigal Sangam” of that Thirupopuliyur Panpari Market, whereby they have stated that they have demolished the shops for reconstruction and removed the materials and debris along with old wooden materials in the said



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building.

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6. The learned Government Advocate (Crl.side) stated that 1st accused is having two previous cases, one is under an election dispute and another with regard to offence under Section 323 of IPC. As regards A2, he is having three previous cases in Gambling Act.

7. Considering the submissions made by both the parties and the fact that the petitioners are alleged to have committed offence under Section 379 of IPC only and as well as the factual position has to be found by the investigation officer, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of Crime No.359 of 2023, within a period of three weeks from the date on which the order copy made ready, and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the **learned Judicial Magistrate No.III, Cuddalore**, on condition that each of the



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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 is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of Crime No.359 of 2023, within a period of three weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m., until further orders.



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[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]**.

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

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