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Crl.O.P.Nos.23841, 23848 and 23886 of 2023

C.V.KARTHIKEYAN, J.

A1, A2 and A6 in Crime No.189 of 2023, registered under Sections 287, 288 IPC r/w Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 on 7.6.2023, before this Court seeking anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

3.It is stated that A6 had been given a contract to demolish Annai Illam at Anna Nagar. The de facto complainant is living in an Apartment Block which has 6 Flats. While demolishing Anna Illam, the adjoining apartments have been damaged. A1 is the Sub Contractor and A2 is his employee. The damage had been assessed at around Rs.30/-lakhs. It was under those circumstances, the complaint had been lodged by the de facto complainant. The learned counsel for the petitioners stated that the de facto complainant had instituted C.S.No.154 of 2023, before the Original Side of this Court and by an order in O.A.No.708 of 2023 and Application No.4145 of 2023, the defendants therein, who are the petitioners herein/accused were directed to deposit Rs.25/- lakhs to the Court. It is stated that Rs.25/- lakhs had been so deposited. The suit had also been referred to Mediation to settle the issues amicably. In view of the fact that



bonafide had been shown by the petitioners, anticipatory bail is granted to over the three petitioners.

4. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

5. Accordingly, 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 X Metropolitan Magistrate Court at Egmore, on condition that each of 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 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.



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[b] the petitioners shall report before the **respondent police daily at 10.30 a.m.**, for a period of two 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 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.

20.11.2023

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