



Crl.O.P.No.27169 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A5 in Crime No.721 of 2023 registered under Sections 294(b), 506(ii) IPC and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992, seeks anticipatory bail.

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

3.It is stated that one of the accused was driving an auto in a rash manner and hit the de facto complainant. That was questioned. As a retardation, all the accused persons went over to the auto stand and damaged five auto, one two wheeler and one jeep. The learned counsel states that two of the other accused had been taken into custody and condition had been imposed by granting anticipatory bail to each of them to pay a sum of Rs.5,000/-. But, however the petitioner had run away from the place and he has to be viewed independently. Taking into consideration all the facts, anticipatory is granted.

4. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/A5 with certain conditions.

5.Accordingly, the petitioner/A5 is ordered to be released on bail in the



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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 **District Munsiff cum Judicial Magistrate, Pallavaram**, 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.

[b] the petitioner/A5 to appear before the respondent police **every day at 10.30 a.m.**, for a period of **one week and thereafter** as and when required for interrogation.

The petitioner/A5 is also directed **to deposit a sum of Rs.15,000/- to the credit of Crime No.721 of 2023**. On such deposit, the **District Munsif cum Judicial Magistrate, Pallavaram**, may distribute that particular amount to hand over in equal proportion **to the de facto complainant and to others who had suffered damage to their vehicles**.

[c] the petitioner shall not tamper with evidence or



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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 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 absconds, a fresh FIR can be registered under Section 229A IPC;

30.11.2023

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