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Crl.O.P.No.25879 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.240 of 2023 registered by the respondent Police for the offences under Sections 147, 447, 448, 506(i) IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side).

3.It is stated that 1st, 2nd and 3rd accused had been granted anticipatory bail and the 4th and 5th accused had been granted bail after being arrested. The 6th is absconding.

4.The learned Government Advocate (Criminal side) stated that all the accused, owing to a dispute with the defacto complainant had taken a JCB machine and damaged the property of the defacto complainant.



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5.This statement is very strongly disputed by the learned counsel for the petitioner and stated that there is no such damage caused and also pointed out that the property is a private property and not a public property. He claims innocence and prays for grant of anticipatory bail.

6.It is also stated that if at all damage was caused, it was only to the outer part of the compound wall, and no further damage was caused. The petitioner is earning money by selling fruits and it would be extremely difficult for the petitioner to bear with any compensation even if directed by the Court.

7.The other accused had been granted bail/anticipatory bail without any condition. But however, it is only appropriate that some amount is deposited in the Court and if the petitioner is acquitted the amount with interest will be returned back to the petitioner. This would only force the petitioner to conduct trial in a more meaningful manner.

8.Taking into consideration of all the factors and the fact the respondent have stated that the damage is about Rs.3,00,000/-, the petitioner is granted anticipatory bail with a condition to deposit Rs.50,000/- to the credit of



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Crime No.240 of 2023 before the learned Judicial Magistrate, Tambaram.

9. Accordingly, the petitioner is ordered to be released on bail in the 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 Judicial Magistrate, Tambaram**, 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 shall deposit a sum of Rs.50,000/- to the credit of Crime No.240 of 2023 before the learned Judicial Magistrate, Tambaram and the learned Magistrate may transfer the amount to any interest bearing deposit and pass final orders on conclusion of trial. If this petitioner is acquitted the amount together with interest may be handed over to this



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petitioner. If any of the accused are convicted, the amount together with interest may be handed over to the defacto complainant. Payment of this amount will not amount to admission of guilt of the petitioner.

[c] the petitioner shall report before the respondent police everyday at 10.00.a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**;

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

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