

CrI.O.P.No.26027 of 2023**C.V.KARTHIKEYAN, J.**

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The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 353 of I.P.C r/w Section 3 of Public Property (Prevention of Damages & Loss) Act 1992, in Crime No.441 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 05.11.2023, the de-facto complainant and other officers were inspecting the road. At that time, the petitioner appeared and abused and prevented them from inspecting the block topping road. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent submits that the petitioner damaged the block topping road to the extent of 2 meters and the officers estimated a sum of Rs.50,000/- to replace it. Hence, he opposed for grant of anticipatory bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, **petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.441 of 2023 before the learned Judicial Magistrate No.III, Tirupathur, failing which, the anticipatory bail shall stand dismissed**, 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 No.III, Tirupathur**, on condition that the petitioner 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:



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[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 report before the respondent Police on everyday at 10.30a.m., for a period of two weeks and thereafter as and when required;

(c) The learned Judicial Magistrate No.III, Tirupathur may deposit the amount of Rs.25,000/- in a Fixed Deposit earning interest and on conclusion of the trial, if the petitioner is acquitted may return back the said amount together with accrued interest to the petitioner. But however if the petitioner is convicted of the offence, then it should be handed over to the office of the Block Development Officer, Tirupathur together with interest.

[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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

20.11.2023

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