



Crl.O.P.No.1833 of 2024

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C.V.KARTHIKEYAN, J.

A7 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 on 07.06.2023 is before this Court seeking 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 A6 had been given a contract to demolish Annai Illam at Anna Nagar. The defacto 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 defacto complainant. The learned counsel for the petitioner stated that the defacto 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



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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 petitioner, anticipatory bail is granted to the petitioner.

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

5. Accordingly, the petitioner is 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 V Metropolitan Magistrate, 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:



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[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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or 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.

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