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Crl.O.P.No.12798 of 2024

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S. SOUNTHAR, J.

The petitioners herein seek anticipatory bail in Crime No.46 of 2024 registered by the respondent Police for the offences under Sections 147, 294(b), 352, 353 of IPC read with Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act.

2. The learned counsel for the petitioners stated that the petitioners are innocent persons and they have been falsely implicated in Crime No.46 of 2024 registered by the respondent Police for the offences under Sections 147, 294(b), 352, 353 of IPC read with Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act. Thus, he seek anticipatory bail to the petitioners.

3. The learned Government Advocate (Criminal side) stated that, on the date of occurrence, the petitioners along with other accused persons travelled in the stairs of the bus without ticket. The de facto complainant/ the Conductor of the bus asked the above said persons to take their tickets and



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warned them to go inside the bus, but they refused to buy their tickets, abused him with filthy language and caused damage to the window glass of the bus. Thus, he prays for dismissal of this petition.

4. Having regard to the nature of allegations and the submissions made by the learned counsel appearing on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 District Munsif-cum-Judicial Magistrate, Tirukkuvalai**, on condition that the petitioners 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.

[b] the petitioners shall report before the respondent police everyday at 10.30.a.m., until further orders.

[c] the petitioners without prejudice to their defence shall deposit a non-refundable sum of Rs.15,000/- to the credit of Crime No.46 of 2024 and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioners deposits the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

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

[e] the petitioners 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



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against the petitioners 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]**;

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

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