



Crl.O.P.No.15844 of 2024

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**T.V.THAMILSELVI,J.**

The petitioner, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 3(1) of the Public Property (Prevention of Damage & Loss) Act, 1992 and 427 IPC in Crime No.104 of 2024, seeks anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner is innocent persons and they have been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent opposed this petition, stating that, the petitioner is a driver of JCB and caused damages to the Arch of the Graveyard's entrance. Due to which, the Arch was shaken and it may fell down at any time. Without any permission, the petitioner attempted to damage the portion of the Arch with the JCB. Hence, he vehemently



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opposed for the grant of anticipatory bail to the petitioner.

4.Taking into consideration the facts of the case and the submissions made by the learned counsels, and also the fact that investigation in this case is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is ordered to be released on **anticipatory 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, Vedaranyam**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (**Rupees Ten Thousand only**) with two sureties, 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 and on further condition that:

[a] **the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.104 of 2024 before the concerned Court at the time of furnishing sureties and on such deposit, the de-facto complainant is permitted to withdraw the same for**



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**repairing damages, on filing undertaking affidavit and proper identification and acknowledgment;**

[b] 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;

**[c] the petitioner shall report before respondent police alternative days at 10.30 a.m, for a period of eight 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];**



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

**08.07.2024**

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