



Crl.O.P.No.26076 of 2023

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**C.V.KARTHIKEYAN, J.**

The Petitioners seek anticipatory bail in Crime No.306 of 2023 registered by the Respondent Police for the offences under Section 379 IPC read with Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992.

2. It is stated that there was a toilet at Tholapalli Village, Madhanur Via, Anaicut Taluk, Vellore District. It is stated that there was a resolution to remove the toilet but even before the proper procedure was completed, it is alleged that the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners, spouses, and the 1<sup>st</sup> Petitioner is the Panchayat President, had damaged the toilet door which led to lodging of complaint and registration of First Information Report.

3. However, at some point the toilet will have to be removed since the resolution had been passed in that regard.

4. Taking that factor into consideration, this Court is inclined to



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grant anticipatory bail to the Petitioners with certain conditions.

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 Judicial Magistrate – III, Vellore**, on condition that the petitioners 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:

[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 2<sup>nd</sup> petitioner shall report before the Respondent Police daily at 10.30 a.m., for a period of 1 week and the 1<sup>st</sup> petitioner shall report before the Respondent Police once i.e., on Saturday at 10.30 a.m. and thereafter, as and when required for the interrogation.



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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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]**.

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

**22.01.2024**

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