



Crl.O.P.No.28303 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A3 seeks anticipatory bail in Crime No.197 of 2023 registered by the respondent Police for the offences punishable under Sections 448 and 506(ii) of IPC and Section 3(1) of Tamil Nadu Public Property Act, 1992, with reference to an occurrence took place on 11.04.2023.

2. It is case of the prosecution that the defacto complainant had lodged a complaint that the accused had used a JCB vehicle to trespass into the property and damaged the fencing stones.

3. It is stated that the total damage had been assessed at Rs.5/- lakhs.

4. The petitioner is A3. It is also stated that A1 had been granted anticipatory bail in Crl.M.P.No.1783 of 2023 by an order dated 27.04.2023 by the learned Principal Sessions Judge, Tiruvallur.



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5.The learned Principal Sessions Judge, Tiruvallur, had also imposed a condition to A1 to deposit a sum of Rs.50,000/- to the credit of the Crime Number.

6. However, taking all those factors into consideration this Court is inclined to grant anticipatory bail to the petitioner, but however, directing the petitioner to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit to the credit of Crime No.197 of 2022, before the Judicial Magistrate, Ambattur, on or before 19.01.2024. The said amount may be handed over by the Judicial Magistrate, Ambattur to the defacto complainant. This amount is to be deposited without prejudice to the rights of the petitioner to contest the case and would not mean that he had admitted to the offences. Even, in spite of the deposit, the prosecution will have to establish the case beyond reasonable doubt during the course of trial.

7. 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 **Judicial Magistrate, Ambattur**, on condition that the petitioner shall



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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 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 daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the 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



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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.

03.01.2024

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