



Crl.O.P.No.30132 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.382 of 2024 registered for the offences punishable under Sections 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and 506 (2) of IPC, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that, due to previous enmity, the petitioner has caused damage to the vehicle of the de facto complainant and when it was questioned, the petitioner had threatened him. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He would submit that the petitioner is an Inspector of Police and the defacto complainant is a Sub-Inspector of Police. He would further submit that due to dispute regarding share of the common place in the quarters, a false complaint has been given against the petitioner. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this court.



4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of the anticipatory bail, is that both the defacto complainant and accused are police officers. He would submit there was a previous enmity between them inside the quarters and the accused constructed a shed in the common place. Therefore, the defacto complainant filed a writ petition before this Court and got orders to clear the encroachment. Since there was a previous enmity, the accused without realising that there was CCTV camera had damaged the defacto complainant's motorcycle seat.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the ***learned XVIII-Metropolitan Magistrate Court, Saidapet*** on condition that the petitioner shall execute a 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[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 the respondent Police everyday at 6.30 p.m., for a period of one 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



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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 269 of BNS.

03.12.2024

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