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Crl.O.P.No.324 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2025

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.324 of 2025

Ayyandurai

... Petitioner

Vs

The State,
rep by the Inspector of Police,
Mecheri Police Station,
Mecheri – 636 453
Salem District.
(Crime No.579 of 2024)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on anticipatory bail in the event of apprehending arrest by the respondent police in the above Crime No.579 of 2024.

For Petitioner : Mr.M.R.Jothimanian

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No. 579 of 2024 registered for the offences punishable under Sections 326 (b) of BNS 2023 and Section 3 (iii) of Tamil Nadu Public Property (Prevention of Damage & Loss)



Crl.O.P.No.324 of 2025

Act, 1992, the present petition has been filed by the petitioner seeking anticipatory bail.

2. The case of the prosecution is that accused persons 1 to 3 with the help of the petitioner dug the mud road from Sandhukadu to Pattan Street Kattuvalavu and therefore petitioner along with other persons damaged the said road with a loss to the Government for a sum of Rs.30,000/- and also damaged pipe which was worth about Rs.1,500/-. 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. Learned counsel for the petitioner would submit that the petitioner is innocent and that a case of dug of mud road has been fabricated against him. He also submits that the petitioner without prejudice to the defence and contention, he is ready and willing to deposit a sum of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any organization. He further submits 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



Crl.O.P.No.324 of 2025

Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the accused persons 1 to 3 along with the help of this petitioner had dug the mud road which leads from Sandhukadu to Pattan street Kattuvalavu and caused loss to the Government to the tune of Rs.30,000/- and also damaged pipe worth about Rs.1,500/-. A1 to A3 were already arrested and released on bail. He would submit that the petitioner has one previous case.

5. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the District Legal Services Authority, Salem, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6. Further, 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 Judicial Magistrate No.II, Mettur, Salem district on condition that the petitioner



Crl.O.P.No.324 of 2025

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 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 shall report before the respondent Police daily at 10.30 a.m until further orders;

[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 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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

09.01.2025

Index : Yes/No



Crl.O.P.No.324 of 2025

Internet : Yes/No

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To

1. The Inspector of Police,
Mecheri Police Station,
Mecheri 636 453
Salem District.
- 2.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.324 of 2025

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.324 of 2025

09.01.2025