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Crl.O.P.No.31713 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31713 of 2024

Dinesh Alias Dhinesh
S/O, Gobendiran @ Kubendiran No.21, Martamman
Kovil Street Roshanai, Tindivanam Villupuram
-604001

Petitioner(s)

Vs

The State Rep By
The State Rep By - The Inspector of Police Roshanai
Police Station Villupuram District Crime No.
496/2024

Respondent(s)

For Petitioner(s):

B R Sivasubramaniam
M P Saravanan
D Sekhar

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 329(4), 324(2), 296(b), 109 and 351(3) of the BNS, 2023 in Crime No.496 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution, as per the defacto complainant one Elamkathir is that, the petitioner along with other accused persons in an inebriated condition, broke open the lock of a private library situated in his area, entered and damaged the roof tiles of the said library, when the defacto complainant questioned the same, the petitioner along with other accused persons abused, assaulted and threatened him with dire consequences. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and falsely implicated in this case, based on a false complaint lodged by the defacto complainant. He further submitted that the petitioner, without prejudice to his contentions, is ready to offer new books for the said library worth about Rs.10,326/- and the bill receipts for the same has been filed before this Court. He would further submit that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the



respondent police opposed for granting of anticipatory bail to the petitioner, stating that the petitioner along with other accused persons have trespassed into a private library in the locality of the defacto complainant and damaged the roof tiles of the said library, further abused, assaulted and threatened the defacto complainant with dire consequences. He further submitted that the defacto complainant had refused to accept the books offered by the petitioner, stating that, if the said books are accepted, the petitioner and other accused persons may further create nuisance and repeat the offence.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record, including the FIR and the bill receipts towards purchase of books by the petitioner.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.



However, taking into consideration the voluntary submission made by the petitioner offering to hand over new books worth about Rs.10,000/- to the library concerned, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to hand over the purchased books to the respondent police, without prejudice to his rights and contentions before the trial Court. The respondent police shall produce the same before the learned Magistrate concerned, at the time of appearance of the petitioner before the learned Magistrate, for handing over of the books to any library.

8. It is made clear that merely because the petitioner is handing over the books, it would not amount to the petitioner admitting his guilt in the criminal case and the same is offered without prejudice to the right of the petitioner.

9. Accordingly, the petitioner 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 on which the order copy made ready, before **the learned Judicial Magistrate No.1, Tindivanam** on condition that the petitioner 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 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 everyday 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].



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A.D. JAGADISH CHANDIRA, J.

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

08.01.2025

stn

To

1. The State Rep By
The State Rep By
- The Inspector of Police
Roshanai Police Station
Villupuram District
Crime No. 496/2024

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