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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.01.2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO.32031of 2024

P.Sekaran
S/o.Pavadai
No.119/53 South Thoppu,
Anumandai
Villupuram District-604303

Petitioner(s)

Vs.

The State Rep. By,
THE INSPECTOR OF POLICE,
MarakkanamPolice Station,
Villupuram District
(Crime No.873 of 2024)

Respondent(s)

For Petitioner(s):

G.TAMIL SELVAN
D.Stalinantonyaraj
M.Jaya prakash

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 351(3) of the Bharatiya Nyaya Sanhita, (B.N.S.), 2023, r/w Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, (TNPPDL) 1992, in Crime No.873 of 2024 on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that on 17.12.2024 at about 7.15 P.M., the defacto complaint was driving his car when the petitioner and 2 others, overtook him. The petitioner and the others waylaid and attacked the de-facto complainant with iron rods, damaging the car and phyically assaulting him, and also inflicting head injuries with the intention to kill him. They also issued death threats, stating that they would not spare him next time. Hence, this case.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Further, he submits that the co-accused/A1 and A2 were arrested and released on bail. Additionally, he submits that the accused, A1 and A2, have already deposited a sum of Rs.15,000/- towards the costs of vehicle damage. There are no previous cases pending against the petitioner. Therefore, he prays that anticipatory bail be granted to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioner, stating that due to previous enimity, the petitioner waylaid the de-facto complainant and caused damage to the car and its glass, worth approximately Rs.10,000/-. Athough there is no previous case pending against the petitioner, the circumstances of the case warrant denial of anticipatory bail.

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5. Having 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, upon considering the co-accused were arrested and released on bail and the damage costs had also been paid by them, 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 -II , Tindivanam,** on condition that the petitioner 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 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 on everyday at 10:30 A.M., for a period of one week and thereafter, every Saturday at 10:30 A.M., until further orders;

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[d] the petitioner shall not tamper with evidence or witness either during the investigation or during the trial;

[e] the petitioner shall not abscond either during the investigation or during the 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 was 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];

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

02.01.2025

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To

The State Rep. By,
THE INSPECTOR OF POLICE,
MarakkanamPolice Station,
Villupuram District
(Crime No.873 of 2024)

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A.D. JAGADISH CHANDIRA, J.

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