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Crl.O.P.Nos.32162 & 32200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2025

CORAM

THE HONOURABLE Mr. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.Nos.32162 & 32200 of 2024

Vijayakumar

... Petitioner in Crl.O.P.
No.32162 of 2024

Kasilingam

... Petitioner in Crl.O.P.
No.32200 of 2024

Vs

The State,
rep by the Inspector of Police,
Chinnasalem Police Station,
Chinnasalem,
Kallakurichi District.
Crime No.610 of 2024.

... Respondent in both
Crl.O.Ps.

Common Prayer: Criminal Original Petitions filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on bail in the even of arrest in connection with the crime No.610 of 2024 pending on the file of the respondent police.

In both Crl.O.Ps.

For Petitioner	:	Mr.T.Mohanraju
For Respondent	:	Mr.Santhosh
		Government Advocate (Crl.Side)



COMMON ORDER

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Apprehending arrest in connection with Crime No. 610 of 2024 registered for the offences punishable under Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, the present petitions have been filed by the petitioners seeking anticipatory bail.

2. The case of the prosecution is that the accused had damaged the check dam constructed by the local authorities by using compressor tractor and the damage was assessed to Rs.32,34,000/-. Hence, the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel appearing for the petitioners would submit that the petitioners are innocents. He would further submit that the rural development department without obtaining any approval from the Public Works Department, had put up three check dam thereby blocking water to the village dams. The residents and agriculturalists of Kaniyamoor village had given representation seeking for removal of check dams and since the respondent did not take any steps, the villagers had damaged the check dam by using the tractor belonging to one Kasilingam. Whereas, false complaint has been given as if the petitioners had



damaged the check dams since the petitioners belong to opposite political party.

He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioners had caused damage to the panchayat check dam and the loss estimated to the tune of Rs.32,34,000/-.

5. Having heard the learned counsel for the petitioners 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 petitioners with certain conditions and accordingly the petitioners are ordered to be released on bail in the event of arrest or on their 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. Kallakurichi, on condition that the petitioners 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 said Magistrate, on further condition that:



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

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Sunday at 10.30 a.m., until further orders ;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners 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 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.

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Index : Yes/No
Internet : Yes/No

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To

1. The Inspector of Police,
Chinnasalem Police Station,
Chinnasalem,
Kallakurichi District.
- 2.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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