

CRL.O.P.No.12213 of 2016**S.VAIDYANATHAN,J.**

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 392, 323 and 506(ii) IPC in Crime No.90 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that petitioners are alleged to have attacked the defacto complainant and snatched a cell phone, a cash of Rs.900/- and ATM Card from him and they have also criminally intimidated him that he should not canvass voters to vote against DMK party.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners and defacto complainant are belonging to different political parties and due to an election dispute, a false case has been foisted against them with a political motive and they have not taken any ATM Card as alleged in the complaint. Thus he prayed for granting anticipatory bail.

5. Learned Government Advocate (Crl. Side) would submit that the petitioners have robbed ATM Card and cash from the defacto complainant.

6. Considering the facts and circumstances of the case and also taking note of the fact that the alleged incident arose out of an election dispute, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy

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of this order, before the **learned Judicial Magistrate, Valparai**, on each of them executing 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(b) at the time of executing bond, the petitioners shall file an affidavit to that effect that they have not taken any ATM Card from the defacto complainant

[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]**.

13.6.2016

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