



Crl.O.P.No.10597 of 2022

G.CHANDRASEKHARAN, J.

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The petitioner, who apprehends arrest for the alleged offences under Sections 171(c), and 353 of IPC r/w 64A of Representation of People Act 1951 in Crime No.256 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have poured water in a ballot box on 22.10.2021. The F.I.R was registered on 22.10.2021 under Sections 171(c), and 353 of IPC r/w 64A of Representation of People Act 1951 in Crime No.256 of 2021. It is now more than one year 3 ½ months after the alleged occurrence.

3.It appears that there is no progress in the investigation at all. There is no explanation as to why the investigation has not taken forward to arrest the accused and to file the final report. There is no use by keeping the case pending in F.I.R stage for the inaction on the part of the respondent police.

3. In view of the above, this Court is of the view that the petitioner



may be granted anticipatory bail.

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4. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Cheyyur** on condition that the petitioner shall execute a bond for a sum of Rs.25,000/-only (Rupees Twenty Five 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 petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) **the petitioner shall report before the Investigating Officer daily at 10.30 a.m. until further orders.**



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(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 petitioners in accordance with law as if the conditions has 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

05.05.2022

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