



Crl.O.P.No.21626 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC, in Crime No. 203 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to election dispute, the petitioners along with the other accused had assaulted the defacto complainant with iron rod, due to which, the defacto complainant had sustained injuries.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and due to election rivalry, false complaint has been given against them. He would further submit that in fact the defacto complainant and his parties are the ones who had assaulted the petitioners first and it is also available in the photographs given to the police. Based on the complaint given by the petitioners' side, a case in Crime No.204 of 2022 has been registered against the defacto complainant and his parties. Hence, he seeks for anticipatory bail.



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4. The learned Government Advocate (crl.side) would submit that it is a case in counter and due to election rivalry, the parties have attacked each other. He would further submit that the situation is tensed and there is likelihood of breach of peace. Thereby, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration of the facts and submissions made by the learned counsel, this Court is inclined to grant anticipatory bail with certain conditions.

7. 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 on which the order copy made ready, before the **learned Judicial Magistrate, Gingee, Villupuram** on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the



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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 petitioners 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 first and second petitioners shall stay at Dharmapuri and report before the **Dharmapuri Town Police Station daily at 10.30 am until further orders** and the third petitioner shall report before the respondent police **daily at 10.30 am., 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.



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[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 229A IPC.

08.09.2022

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