



Crl.O.P.No.20511 of 2022

Crl.O.P.No.20511 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294(b) and 506(2) of IPC, in Crime No.230 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant hoisted the National Flag to celebrate the Independence Day at their society. Thereafter, the petitioners trespassed into the society and broken the lock and also damaged the banners and name board. When the same was questioned by the defacto complainant, the petitioners abused the defacto complainant in filthy language and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioners.



CrI.O.P.No.20511 of 2022

WEB COPY

4. The learned Additional Public Prosecutor would submit that there are totally 5 accused. Due to dispute while hoisting the National Flag in the society, the petitioners trespassed into the society and damaged the banners and name board and also abused the defacto complainant and threatened him with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 No-I, Ponneri, on condition that each of the petitioners 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 learned Magistrate concerned, failing which, the



CrI.O.P.No.20511 of 2022

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 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.

[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 229A IPC.

29.08.2022

mn



WEB COPY



Crl.O.P.No.20511 of 2022

G.K.ILANTHIRAIYAN, J.

mn

Crl.O.P.No.20511 of 2022

29.08.2022