



Crl.O.P.No.20870 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, 294(b) and 353 of IPC in Crime No.337 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who is the District Manager, TASMACH is that the petitioners along with the other accused trespassed into the place, where an auction was conducted for Bar and threatened the officials and prevented them from discharging their official duty. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the TASMACH Management prevented the participants in the tender and attempted to give tenders to the persons favourable to them and since it was objected to by the petitioners, a false complaint has been given as against the petitioners. He would also submit that no damage was caused to the Government.



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Therefore, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners unlawfully assembled and trespassed into the place, where the auction for Bar is being done by the defacto complainant and they have threatened the officials of the TASMACH and also prevented them from discharging their official duties. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on



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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.II, Poonamallee**, 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 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 petitioners shall report before the respondent police daily 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.

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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.

06.09.2022

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