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Crl.O.P.No.22349 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 294(b), 323, 324 and 354(b) of IPC in Crime No.647 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to a dispute in respect of giving illegal water connections, there was a quarrel, wherein the petitioners abused, intimidated, assaulted and prevented the *de-facto* complainant from discharging her duty and also outraged her modesty. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the *de-facto* complainant is the panchayat president and she had demanded excess amount, on the instruction of her husband, due to which, there was a wordy quarrel and she has given a false complainant. He would further submit that, during the quarrel, the *de-facto* complainant's



Crl.O.P.No.22349 of 2022

WEB COPY

husband had assaulted the 1st petitioner and the 1st petitioner was admitted in the hospital. Based on the complaint given by the 1st petitioner, a case in Crime No.648 of 2022 is registered as against the *de-facto* complainant and her husband. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the *de-facto* complainant is the panchayat president. Since, she had questioned the illegal water connection given by the 1st petitioner, there was a wordy quarrel. Due to which, he assaulted her and also outraged her modesty. As far as the 2nd petitioner is concerned, she is not an accused in this case. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels. Taking into consideration the facts and circumstances of the case and that the 2nd petitioner is not an accused, the petition stands closed in respect of the 2nd petitioner and this Court is inclined to grant anticipatory bail to the 1st petitioner with



CrI.O.P.No.22349 of 2022

certain conditions.

WEB COPY

6. Accordingly, the 1st petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court 1 – Pollachi, Coimbatore District, on condition that the petitioner 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 petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.



WEB COPY



Crl.O.P.No.22349 of 2022

A.D.JAGADISH CHANDIRA, J.
mpl

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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 petitioner in accordance with law as if the conditions have 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

16.09.2022

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Crl.O.P.No.22349 of 2022