



Crl.O.P.Nos.23184 and 23192 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, 341, 323, 326, 307 and 379 of IPC r/w Section 3(i) of the TNPPDL Act in Crime No.329 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 19.09.2022 at about 5.30 p.m., while the defacto complainant who is a Press Reporter along with his camera man, were retuning after covering the news relating to renovation work of the school which was burnt, the brother of the correspondent of the School, relatives of the counsellor/Rajasekaran and henchmen of one Mahabarathi Mohan, had way-laid the defacto complainant and his camera man, abused them with filthy languages and also assaulted them and caused damages to their car and cameras. Due to the incident, the defacto complainant has also sustained injuries. Hence the complaint.

3.Mr.A.M.Rahamath Ali, learned counsel for the petitioner would



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submit that even as per the FIR, the defacto complainant has stated that the relatives and henchmen of the above named persons were present in the scene of occurrence. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against him. Hence he prays for grant of anticipatory bail to the petitioner in Crl.O.P.No.23192 of 2022.

4.Mr.S.Yogaraja Selan, learned counsel for the petitioner would submit that the petitioner at the relevant point of time, was furnishing the sureties in respect of return of property in the Court and even as per the FIR, it is stated that the relatives of the petitioner have assaulted the defacto complainant. Hence he prays for grant of anticipatory bail to the petitioner in Crl.O.P.No.23184 of 2022.

5.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners along with their henchmen, and his relatives, have way-laid the defact complainant, while he was returning after covering the news relating to renovation of the school and



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at that time, they have assaulted the defacto complainant and his camera man and caused damages to his camera and car. He would further submit that there is no previous case pending against the petitioners and hence, he opposed for grant of anticipatory bail to the petitioners.

6.Heard the learned counsel for the parties and perused the entire materials available on record.

7.Taking into consideration the facts of the case and the submissions made by the learned Counsel and also of the fact that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions;

8.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.II, Attur, Salem District on condition



that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (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 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 four weeks and thereafter every Saturday 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;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is



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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;

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28.09.2022



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