



Crl.O.P.Nos.23749, 23511 & 23600 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, 109, 448, 294(b), 355, 323 and 506(i) of IPC and Section 4 of the TNPWH Act, in Crime No.469 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant Semmalar is that she is running a Tailor Shop at Sasi Complex, Manali Kadai Theru, Manali. While so, on 19.09.2022 at about 10.00 a.m., due to the previous enmity, at the instigation of the Village President and her husband (A1 & A2), the petitioners along with other accused had trespassed into the tailor shop of the de facto complainant and abused her with filthy language and attacked her with brooms and slippers and thereafter in front of the tailor shop, the petitioners also attacked her with hands and legs and also torn her saree in public place and threatened her with dire consequences, resulting in her sustaining injuries. Hence the complaint.



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3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated by the respondent police based on a false complaint lodged by the de facto complainant due to political enmity. He would further submit that the petitioner in Crl.O.P.No.23749 of 2022 is the first accused/A1 and she is the President of the Village Panchayat, the second accused/A2 in Crl.O.P.No.23511 of 2022 is the husband of A1 and the other accused in Crl.O.P.No.23600 of 2022 are the relatives of A1 & A2. He would further submit that the de facto complainant, who is a political enemy of A1 has spread rumours against A1 & A2. Thereafter, based on the complaint given by A2, enquiry was conducted by the respondent police, during which time, the de facto complainant has given an undertaking that she would not spread rumours. However, even after that, the de facto complainant indulged in spreading the rumours, and thereby, the relatives of A1 & A2 had gone to the place of occurrence to question the same, at that time, there was a quarrel between them. He would further submit that the entire incident has been recorded from CCTV Footage in



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the opposite shop, the incident is happened at the Ground Floor and not on the upstairs and further none of the men gone near the place of occurrence, whereas, an exaggerated complaint has been given by the de facto complainant on account of political animosity.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to political animosity and the previous enmity, the petitioners trespassed in the shop of the de facto complainant at the instigation of A1 & A2 and have abused and assaulted her with brooms, slippers, hands and legs resulting in her sustaining injuries. He also displayed the CCTV Footages through his mobile phone before this Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.
I have also gone through the CCTV Footages of the incident.



6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 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, Thiruthuraipoondi, Thiruvarur District**, on condition that each of the petitioner shall execute a separate 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.



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[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

28.10.2022



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