



**Crl.OP.No.25669 of 2022**

**A.D.JAGADISH CHANDIRA, J.**

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 109, 448, 294(b), 323, 355, 506(i) of IPC and Section 4 of Women Harassment Act in Crime No.469 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 19.09.2020 at 02.00 p.m., the defacto complainant and the petitioners and others were workers under the scheme of Mahathma Gandhi National Rural Employment Works and there was a wordy dispute between the defacto complainant and others resulting which, the petitioners abused and assaulted the defacto complainant and caused injuries on her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and and they have been falsely implicated in this case. He would further submit that due to political animosity, the first accused in this case is the President of the Village Panchayat and the second accused is her husband. The defacto complainant who is political enemy of A1 had spread rumours against A1 and A2. Based on the complaint given by A2,



enquiry was conducted by the respondent police, during which time, the defacto complainant had given a undertaking that she would not spread rumours. After that, the defacto complainant indulged in spreading rumours. Thereby, the relatives of A1 had gone to the place of occurrence and questioned her, other than that no incident has happened as projected by the defacto complainant. He would further submit that the co-accused in this case earlier approached this Court in Crl.OP.No.23749 of 2022 and this Court after perusing the CC.Tv Footage had finding that the exaggerated complaint has been given by the defacto complainant has granted anticipatory bail to the co-accused on 28.10.2022. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that on 19.09.2020 at 02.00 p.m., the defacto complainant and the petitioners and others were workers under the scheme of Mahathma Gandhi National Rural Employment Works and there was a wordy dispute between the defacto complainant and others resulting which, the petitioners abused and assaulted the defacto complainant and caused injuries on her. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.



5. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail 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-, Thiruthuraipoondi, Thiruvarur District*** on condition that each of the petitioners shall execute separate bonds 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 every day 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 absconds, a fresh FIR can be registered under Section 229A IPC.

**18.11.2022**

Vv



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