



Crl.O.P.No.25365 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, 294(b), 323, 324, 307, 506(ii) of IPC r/w. 3 of TNPPDL Act in Crime No.230 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners along with other accused, due to previous enmity on account of the political dispute, have caused damaged to her house by pelting stones on it and abused the de-facto complainant's husband in a filthy language and also pushed him down and attacked him with concrete stone on his right leg, due to which, he sustained a fracture and also assaulted him with weapons, causing grievous injuries in his head and eye, due to which, he had suffered 13 sutures in his head. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in



WEB COPY this case. He would further that due to political animosity, a false complaint has been lodged as against the petitioners and he would also state that the petitioners were only members of the group and they have not assaulted the victim. He would also submit that the co-accused has been granted anticipatory bail in Crl.O.P.Nos.24695 of 2022 vide order dated 14.10.2022 and the injured has also been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that due to the previous enmity on account of the political dispute, the petitioners along with other accused pelted stones on the de-facto complainant's house and assaulted the de-facto complainant's husband with iron rod and cause severe injuries on his head. He would further submit that the accused have also waylaid the ambulance presuming that the injured was in the ambulance, caused damage to the ambulance and assaulted the ambulance driver and another. He would also submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.



5. Taking into consideration the facts and circumstances of the case and also of the fact that the co-accused has been granted anticipatory bail and that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 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 No.1, Tindivanam** on condition that the petitioners shall execute 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., 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.

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