



Crl.O.P.No.26708 of 2022

A.D. JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest for the alleged offences under Sections 341, 294(b), 323, 392, 506(ii) of IPC r/w. Section 3(1) of Tamil Nadu Public Property (Prevention of damage and loss) Act in Crime No.230 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused waylaid the de-facto complainant, who is the driver of the Tipper Lorry, and demanded a sum of Rs.50,000/- as mamool and abused him in a filthy language and assaulted the de-facto complainant and his friend, causing injuries and taken away a sum of Rs.5000/- and also damaged the wind shield of the lorry. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that the present complaint has been foisted against the petitioner by the respondent Police. He would also submit that he has not been convicted in any of the cases and hence, he prays for grant of anticipatory bail to the petitioner.



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4. The Government Advocate (Crl.side) would submit that the defacto complainant is a habitual offender and nine previous cases are pending against the petitioner. He would submit that the petitioner is a history sheeter in the respondent police station in HS.No.253 of 2018. He would submit that as far as the petitioner he along with other accused way laid the defacto complainant and assaulted him and caused injuries and taken away a sum of Rs.5,000/-. He would further submit that the investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that as far as the previous cases are concerned they have been foisted against the petitioner, since because he belongs to a political party. He would submit that out of 9 previous cases, he was acquitted in two previous cases (Cr.No.329 of 2014 and Cr.No.128 of 2018). He would further submit that particular case is foisted only because the petitioner agitated against the illegal sand mining in the locality, in this regard, the petitioner has also circulated pamphlets. He would submit that the petitioner had infact informed the local Gengavalli Tahsildar to take action against the illegal sand mining. Since no action was taken, the petitioner had circulated the telephonic conversion between him and the Tahsildar in the local social media and thereby enraged against the petitioner, the



present case has been foisted against the petitioner through a lorry driver, who is regularly engaged in sand theft. He would submit that the co-accused Pokkiri Manikandan @ Manikandan who has been similarly placed has been granted bail by this Court in Crl.OP.No.22018 of 2022 dated 21.09.2022.

6. The learned counsel for the petitioner would submit that this is the third application for anticipatory bail and since these matters were not brought to the knowledge of this Court, this Court was pleased to dismiss the earlier petitions and petitioner had withdrawn the same. He would submit that A3 had obtained anticipatory bail in Crl.OP.No.22412 of 2022 and A2 had obtained bail in Crl.OP.No.22018 of 2022.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate



No.II, Attur, Salem on condition that 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 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 stay at Ramanathapuram and report before the Inspector of Police, Ramanathapuram Town Police Station, everyday at 10.30am and 5.30pm., until further orders.

[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 abscond, a fresh FIR can be registered under

Section 229A IPC.



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With the above directions, this Criminal Original Petition is ordered.

10.11.2022

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