



Crl.O.P.No.26232 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 of IPC and 3(1) of TNPPDL Act in Crime No.285 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant/K.Ganapathi is that the petitioners along other accused person who belong to the opposite political party had caused damages to the flag pole. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are the member of the political party and due to political animosity, a false complaint has been given against them. He would further submit the co-accused in this case has already been granted anticipatory bail by this Court in Crl.O.P.No.28079 of 2022 on 16.11.2022. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to political enmity, the petitioners along with other accused formed into an unlawful assembly and broken the flag pole of a particular party. He would further submit that there is no previous case pending as against them. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that there is no previous case pending against the petitioners, 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



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days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thirukkazhukundram on condition that each of 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.

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until 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



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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;

28.11.2022

vkr

A.D.JAGADISH CHANDIRA, J.



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28.11.2022