



Crl.O.P.No.26293 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 294(b), 352 & 506(ii) of IPC in Crime No.491 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Saravanan, who is the Ward Councillor is that when he had attempted to clear the encroachments, the petitioners have abused, intimidated and also prevented him from discharging his official duty. Hence the complaint.

3. The learned counsel for the petitioners would submit that the defacto complainant without following due procedures, attempted to clear the encroachments and when the same was questioned by the petitioners, there was a quarrel between them and a false complaint has been given against the petitioners. He would further submit that the petitioners are senior citizens and thereby, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the



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respondent Police would submit that when the defacto complainant attempted to clear the encroachments, the petitioners had abused, intimidated and also prevented him from discharging his official duty. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant 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, Tirukoilur on condition that each of the petitioners shall execute a 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



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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., 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.**



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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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31.10.2022

A.D.JAGADISH CHANDIRA, J.

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31.10.2022