



CrI.O.P.No.26588 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioners, who apprehends arrest for the alleged offences under Sections 147, 148, 452, 294(b), 323, 307, 347, 201 and 149 IPC in Crime No.145 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Thulasinathan is that he and A1 are brothers and there was a civil dispute between them. Whiles, on 19.10.2022, A1 alongwith his wife and other accused trespassed into the workshop of the defacto complainant and abused him with filthy language and assaulted him with iron rods and iron pipes causing injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons, a false complaint has been given against them on account of property dispute. He would submit that the injured is discharged from the hospital. The further case of the defacto complainant is that he had sustained bleeding injuries, thereafter, the accused had cleaned the place and set fire to the clothes and coming to know about the injuries sustained, the relatives of the defacto complainant had admitted him in the hospital. He would submit that the actual facts remains that the defacto complainant attempted to take



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possession of the property by force in respect of which A1 had given earlier complaint dated 19.10.2022. The police who are already antagonised with the petitioners had obtained a false complaint from the defacto complainant, pursuant to which the case has been registered. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Public Prosecutor (Pondicherry) would submit that already a civil dispute is pending between A1 and his brother/defacto complainant. As far as A1 and A3 are concerned seven previous cases are pending against them and A2 is having one previous case. He would submit that the investigation is pending and he oppose for grant of anticipatory bail to the petitioners.

5. In reply, the learned counsel for the petitioner would submit that the third petitioner was running an organisation in the name of Tholkappiyar Lancha Ozhippu Iyakkam and he has been repeatedly sending complaints against the Pondicherry Police, only to harass the petitioners and his associates, a false complaint has been given through the brother of A1.

6. Heard both sides and perused the materials available on record.



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7. Considering the submissions and on perusal of the materials, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :

8. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their 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.IV, Puducherry, on condition that the petitioner shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each 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 10.30am until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

21.11.2022

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