



Crl.OP.No.27353 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 332, 341, 353 and 506(i) IPC in Crime No.311 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant, is that he is an employee of the Chennai Corporation. As per instructions given by the higher officials, he had attempted to impound the stray cattle, which were causing disturbance to the public. While so, the petitioners claiming to be the owner of the cattle, abused and assaulted the defacto complainant and prevented him from discharging his official duty. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. The employees of the Corporation had demanded bribe and since it was refused, a false complaint has been given against the petitioner. Hence, he prays to grant



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anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that as per instructions given to the defacto complainant by the higher officials, he had attempted to impound the stray cattle, which were causing disturbance to the public. While so, the petitioners claiming to be the owner of the cattle, abused and assaulted the defacto complainant and prevented him from discharging his official duty. He would further submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned V



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Metropolitan Magistrate Court, Egmore, Chennai on condition that the petitioner 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 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 report before the respondent police daily at 10.30 a.m., 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

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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.

10.11.2022

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