



Crl.O.P.No.26838 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 451 of IPC read with Section 135 of Electricity Act in Crime No.298 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant/Block Development Officer in Mugaiyur panchayat is that the accused even prior to the completion of the over-head tank had given direct connection of the motor and filled the tank and allowed it to overflow and had taken the video of the same and uploaded in the social media making allegations against the *de-facto* complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the elected 21st Ward Councillor of Mugaiyur Panchayat union and there is also a previous enmity between the petitioner and the



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de-facto complainant, since the petitioner had questioned the illegal activities of the Block Development Officer, thereby a false complaint has been given. Due to the negligent act of the Block Development Officer, the tank was left to overflow and the petitioner had only brought to the attention of the superiority. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the accused even prior to the completion of the over-head tank had given direct connection of the motor and filled the tank and allowed it to overflow and had taken the video of the same and uploaded in the social media making allegations against the *de-facto* complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 Judicial Magistrate - I, Villupuram**, 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 everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.



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

04.11.2022

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