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Crl.O.P.No.26856 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 430, 353, 294(b), 341, 352 and 506(i) of IPC in Crime No.506 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant/Assistant Engineer Water Resources department is that when she along with her staffs were conducting inspection regarding the damages, the accused have abused and assaulted them. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners have caused damages to the river bank bund and they have taken water to their fields. When the *de-facto* complainant along with their staff attempted to close and fill the gap of water flow, the petitioners have abused her and also attacked her. He would further submit that in this case, A5 has been arrested and enlarged on bail. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would submit that the major allegations are only against A5, thereby he was arrested and enlarged on bail. He would further submit that without prejudice, each of the petitioners are prepared to deposit some amount in any welfare scheme of the Government.

6. Heard the learned counsel. Taking into consideration the facts and circumstances of the case and also the fact that without prejudice,



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each of the petitioners are prepared to deposit some amount in any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, each of the petitioners shall deposit a sum of **Rs.5,000/-** (Rupees Five Thousand only) as non refundable deposit to **“Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172”**, and on such deposit and production of proof, 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 No.II, Mettur**, on condition that each of the petitioners shall execute a 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



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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] each of the petitioners are shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to “Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172” and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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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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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

04.11.2022

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