



Crl.O.P.No.27372 of 2022

A.D. JAGADISH CHANDIRA, J.,

The petitioners, who apprehends arrest for the alleged offences under Sections 294(b), 353 and 506(i) of IPC in Crime No.389 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners have prevented the defacto complainant in performing the routine patrol duty near Ariyalur Check post. The defacto complainant is the Sub Inspector of Police questioned the 2nd petitioner who came in two wheeler without wearing helmet. The petitioners 1 and 3 joined with the 2nd petitioner attacked and abused the defacto complainant and prevented him in discharging the official duty. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the defacto complainant was not in uniform and he had intercepted the two wheeler and questioned the petitioners and threatened them with dire consequences, due to which a wordy quarrel arose between the parties. Hence, a false complaint has been given against the petitioners. Hence, he prays for grant of anticipatory bail



to the petitioner.

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4. The Government Advocate (Crl.side) would submit that the defacto complainant is the Sub Inspector of Police, while on routine patrol duty the petitioners came in a two wheeler without wearing helmet, when it was questioned, a wordy quarrel arose between the parties and the petitioners prevented the defacto complainant in performing the official duty. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :

6. Accordingly, the petitioners are ordered to be released on bail in the event of 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.V, Salem, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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.

[d] the petitioners shall report before the respondent police daily at 10.30am until further orders.

[e] 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. 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.

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