



Crl.O.P.No.29973 of 2022

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T.V.THAMILSELVI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 353 and 506(i) of IPC in Crime No.138 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Vilvanathan, who is the Sub Inspector of Police is that the petitioner abused him in filthy language and prevented him from discharging his official duty. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and the earlier application for anticipatory bail was withdrawn by the learned counsel for the petitioner. He would further submit that he is an innocent person and since there are 5 previous cases pending against him and in order to curtail the further activities of the petitioner, this case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent Police would submit that the petitioner abused the defacto complainant who is the Sub Inspector of Police, Harithuvaramangalam Police Station in filthy language and prevented him from discharging his official duty. He would further submit that there is six previous cases pending against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner was having previous cases prior to the year 2018 and thereafter, the petitioner did not involve in any of the offences for the past 4 years. Hence, he prays for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate and perused the entire materials available on record including the First Information Report.



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7. Taking into consideration the facts of the case and also the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Thiruvarur**, on condition that the petitioner shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten 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.



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[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation.

[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.

05.12.2022

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