



Crl.OP.No.28069 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 294(b), 341, 323 and 307 IPC r/w Section 3 of TN Public Property (Prevent of Damage & Loss) Act, 1992 in Crime No.82 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution, as per the defacto complainant, is that due to dispute on account of a political enmity, the accused have assaulted him with wooden log and attempted to cut him with knife and also caused damage to his two wheeler. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons. Due to political enmity, a false complaint has been given as against the petitioners. 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 there are totally 18 accused in this case and the petitioners are arrayed as A11, A14 and A16. He would submit that the arrested accused has been enlarged on bail and the respondent police has also completed the investigation and filed an absconding charge sheet and now, the case has been taken on file in P.R.C.No.4 of 2021 by the learned Judicial Magistrate, Tittagudi, Cuddalore District. He would further submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned



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Judicial Magistrate, Tittagudi, Cuddalore District on condition that the petitioners shall execute a 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 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] the petitioners shall report before the learned Judicial Magistrate, Tittagudi, Cuddalore District daily at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned Magistrate.

[c] 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



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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 Courthimself 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.

16.11.2022

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