



Crl.O.P.No.28079 of 2022

Crl.O.P.No.28079 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 148 of IPC and 3(1) TNPPDL Act in Crime No.285 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant/K.Ganapathi is that the petitioner along other accused persons who belong to the opposite political party had caused damages to the flag pole. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the member of the political party and due to political enmity, a false complaint has been given against him. He would further submit he has nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.28079 of 2022

WEB COPY

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to political enmity, the petitioner along with other accused formed into an unlawful assembly and broken the flag pole of a particular party. He would further submit that there is no previous case pending as against him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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



CrI.O.P.No.28079 of 2022

WEB COPY

from the date on which the order copy made ready, before the learned Judicial Magistrate, Thirukalukundram, on condition that the petitioner shall execute a 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.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



WEB COPY



Crl.O.P.No.28079 of 2022

[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;

16.11.2022

vkx



WEB COPY



Crl.O.P.No.28079 of 2022

A.D.JAGADISH CHANDIRA, J.

vkf

Crl.O.P.No.28079 of 2022

16.11.2022