



CrI.O.P.No.28052 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 352, 353 & 506(i) of IPC in Crime No.179 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mr.Veerabathran, Grade I Police Officer is that, the petitioner's wife was called for enquiry by the respondent police, during such time, the petitioner had come in an inebriated condition and had quarreled with the defacto complainant and abused him and also prevented him from discharging his duties. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner's wife was called for enquiry by the respondent police, during such time, defacto complainant humiliated the wife of the petitioner, enraged by the same, there was a quarrel and later a false complaint has been lodged against the petitioner, as if the petitioner had assaulted the



Crl.O.P.No.28052 of 2022

WEB COPY

defacto complainant. He would further submit that, it is impossible to assault a police officer in the police station and would also submit that the petitioner is a Government Teacher and he does not have an habit of drinking. He would further reiterate that the facts remains that is the petitioner was brutally assaulted in the police station and that the reason the respondent permitted the petitioner to come out of the police station. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that when the petitioner's wife was called for enquiry, the petitioner had came there in an inebriated condition and had quarreled with the defacto complainant and abused him and also prevented him from discharging his duties Hence, he opposed for grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also considering the allegations made against the petitioner, this Court is inclined to grant anticipatory bail with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in



Crl.O.P.No.28052 of 2022

WEB COPY

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, Thirukoilur, Kallakurichi District** on condition that the petitioner shall execute a 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 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 Inspector of Police, Sankarapuram Police Station daily at 06.30.p.m., for a period of two 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.



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Crl.O.P.No.28052 of 2022

A.D.JAGADISH CHANDIRA,J.

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[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

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Crl.O.P.No.28052 of 2022