



Crl.OP.No.28460 of 2022

Crl.O.P.No.28460 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 147, 148, 294(b), 353, 332, 307, 506(ii) IPC and 3(1) of PPDL Act in Crime No.560 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is working as Irrigation Assistant in the Public Works Department. On 27.10.2022, pursuant to the order passed by the High Court, when he along with the other officials had taken steps to remove the encroachment, the accused had abused them with filthy language and assaulted them with stones and sticks, resulting them in sustaining injuries. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the wife of A1 and she is an innocent person. He would submit that the officers have attempted to evict the petitioner



Crl.OP.No.28460 of 2022

and others by force, without any Court order and that there was a quarrel during such time the incident happened. He would submit that the husband of the petitioner was arrested and detained under Act 14 and the petitioner has nothing to do with the alleged offence and she has been roped into this case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned learned Additional Public Prosecutor appearing for the respondent would submit that when the defacto complainant along with the other officials had taken steps to remove the encroachment, the accused had abused them with filthy language and assaulted them with stones and sticks, resulting them in sustaining injuries. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-



Crl.OP.No.28460 of 2022

WEB COPY

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tiruthuraipoondi 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 respondent police daily at 10.30 a.m., until further orders.

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

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.OP.No.28460 of 2022

Anu

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

25.11.2022

Anu

Crl.O.P.No.28460 of 2022