



Crl.O.P.No.28665 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 353 of IPC in Crime No.938 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who is working as a Head Clerk in the Court of Judicial Magistrate No.I, Virudhachalam is that the petitioner had compelled her to read the High Court order and prevented her from discharging official duties. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner, who is a senior citizen, had enquired the defacto complainant about the case status and she refused to answer it and abused the petitioner. Due to which, she had given a false complaint as if the petitioner had abused the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had prevented the defacto complainant, who is a



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Government Servant, from discharging her official duties. He would submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances 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.

6. 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 -I, Virudhachalam** 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 automatically dismissed and on further condition that:



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[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 **learned Judicial Magistrate -I, Virudhachalam daily at 10.30 a.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.

[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.

22.11.2022

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