



Crl.O.P.No.29061 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 353, 506, 201 r/w 34 of IPC in Crime No.117 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Kanaka Rao who is the Sub Inspector of Police, is that on 22.10.2022, he had conducted a raid after receiving authorization from the Superior Officers in Royal Yanam Recreation Society and during the raid, it was found that the accused were conducting illegal gambling in the society and they also prevented the officers from discharging their official duties. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are running a recreation club, after receiving appropriate license from the Municipal Authority of Yanam. Subsequently, there were a constant obstructions from the respondent



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Police, they approached this Court as well as the concerned Court seeking for a direction not to interfere with the affairs of club and even thereafter, the respondent Police are interfering with the functions of the club. The petitioner's club has filed a criminal complaint against the respondent Police. The complaint given against the petitioners is only a counter blast to the petitioners' complaint. Thus, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners in violation of rules are conducting illegal gambling and while the Police Officials are conducting raid in the Royal Yanam Recreation Society, the petitioners have prevented the officers from discharging their official duty. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.



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6.Taking into consideration the facts of the case and the submissions made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Yanam, Puducherry, on condition that each of the petitioners 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 petitioners and the sureties shall
affix their photographs and Left Thumb Impression



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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 respondent Police daily at 10.30 a.m, for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

[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 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 Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

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