



Crl.O.P.No.28737 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 147, 148, 447, 323, 506(ii) and 307 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.286 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Prabu is that the de facto complainant and the petitioner belongs to two different political parties. On 10.10.2022 at about 9.45 p.m., the petitioner along with other accused have trespassed into the house of the de facto complainant, caused damages to the windows of the house and also threatened the de facto complainant and his sister with dire consequences. Hence the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent would submit that the petitioner along with other accused have trespassed into the house of the de facto complainant, caused damages to the windows of the house and also threatened the de facto complainant and his sister with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Taking into consideration the facts and submissions of the case, the submissions made by either sides, 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 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.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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

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