



Crl.O.P.No.28685 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 294(b), 504, 505(3), 506(1) and 508 of IPC in Crime No.319 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Halan is that he is running a Trust in the name of Jeevan Victory Foundation and on 13.11.2022, while they were worshipping in that place, the accused along with 10 other persons had entered into the worshipping area and abused the ladies by using filthy language. Further allegation is that one Kalai Gopi and Karthi had threatened the *de-facto* complainant saying that the place will be demolished by using JCB and when it was questioned by the *de-facto* complainant, they have attempted to assault the *de-facto* complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the



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petitioners are innocent and a false complaint has been given. He would submit that the *de-facto* complainant was running an unauthorized Church in the area and creating noise pollution to the people around the area. Thereby, the petitioners have given a petition to the revenue authorities and to the police to take action against the unauthorized Church. He would further submit that on the date of occurrence, the petitioners along with the revenue authorities and police went to the place of occurrence and other than that, they have not committed any offence. He would further submit that, on the complaint given by the petitioners side, a case in Crime No.320 of 2022 has been registered against the *de-facto* complainant and others on the same date for the offences under Sections 154, 153A, 294(b) and 506(1) of IPC and when they had questioned the *de-facto* complainant and he had abused the petitioners along with certain party people, thereby, the complaint has been given. However, without prejudice the petitioners have filed an affidavit undertaking before this Court that they will not indulge in illegal activities and that they will take recourse to Law and thereby, he prays to grant anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have threatened the *de-facto* complainant and his worshippers in the Church during that time when they were doing Sunday worship. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case and also the affidavit of undertaking filed by the petitioners before this Court that they will not indulge in illegal activities, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. The affidavit of undertaking shall for part of court records.

6. 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 No.I, Krishnagiri**, on condition that each



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of the petitioners shall execute a separate 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 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 everyday at 10.30 a.m., for a period of four weeks and thereafter on 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



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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]**.

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

25.11.2022

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