



Crl.O.P.No.31629 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 353, 294(b), 506(ii), 509 r/w 34 of IPC in Crime No.145 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was an Advocate and she was appointed as an Advocate Commissioner in I.A.No.1566 of 2022 in O.S.No.321 of 2022 by the learned District Principal Munsif, Dharapuram to verify the physical features of the suit property. However, when she reached the suit property with the learned counsel for the plaintiff along with her Junior Advocate, the petitioner had prevented her and abused her. Thereby, he did not allowed her to take her car from the suit property. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given. He would further submit that the petitioner did not prevented the defacto



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complainant. He would further submit that the co-accused, A2 to A6 were granted anticipatory bail by this Court on 18.10.2022 in Crl.O.P.No.25151 of 2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the defacto complainant is an Advocate Commissioner appointed by the Court and when she had gone to the place as per the Court order to inspect, the petitioner abused and harassed and also prevented her from taking her car. He would further submit that the anticipatory bail petition filed by the petitioner was dismissed by this Court on 18.10.2022. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard both sides and perused the materials. Taking into consideration the facts and circumstances of the case, 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**



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Magistrate, Dharapuram on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 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;



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[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.

22.12.2022

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