



Crl.O.P.No.32180 of 2022

WEB COPY

Crl.O.P.No.32180 of 2022

T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353 & 506(i) of IPC, in Crime No.378 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to the pending civil suit in O.S.No.211 of 2019 on the file of the Sub Court, Vaniyambadi, the Village Administrative Officer refused to issue adangal for the petitioners' agricultural lands, due to which, the petitioners had a wordy quarrel with the Village Administrative Officer and abused him in a filthy language. Based on the complaint given by the VAO, the case in Crime No.378 of 2022 was registered against the petitioners. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also



Crl.O.P.No.32180 of 2022

submitted that when the de-facto complainant refused to issue adangal for their agricultural land, there occurred a wordy quarrel and other than that the petitioners have nothing to do with the alleged offence, whereas, the de-facto complainant has lodged a false complaint, as if the petitioners have abused and harassed him. He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners have abused the de-facto complainant, who is the Village Administrative Officer, when he refused to issue adangal for their agricultural lands. Hence, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and



Crl.O.P.No.32180 of 2022

the submissions made by the learned counsel for the petitioners, this Court is not inclined to grant bail to the second and third petitioners and is inclined to grant anticipatory bail to the first petitioner alone and with certain conditions.

7. Accordingly, the criminal original petition in respect of the second and third petitioners is dismissed and in respect of the first petitioner, she is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Ambur, Tirupathur**, on condition that the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 stands dismissed and on further condition that:

[a] the first petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety



CrI.O.P.No.32180 of 2022

bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the first petitioner shall report before the respondent police, as and when required for interrogation;

[c] the first petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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.

23.12.2022

ham

T.V.THAMILSELVI,J.



WEB COPY



Crl.O.P.No.32180 of 2022

ham

Crl.O.P.No.32180 of 2022

23.12.2022