



Crl.O.P.No.1446 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 353, 506(i) of IPC in Cr.No.699 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Spl.SI in Kondalampatty. The petitioners are street vendors. The defacto complainant went to regulate traffic duty, he announced in police jeep mike that street shop vendors should remove the shop from the street and keep shops away from the street, to which the petitioners abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the



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defacto complainant is working as Spl. SI in Kondalampatty, during traffic regulation, he announced in mike to move away the street shops for which the petitioners objected. Thus a quarrel arose in which the petitioner abused the defacto complainant and threatened him. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners.

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 of receipt of a copy of this order, before the learned **Judicial Magistrate, No.5, Salem** on condition that the petitioners 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 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 Court concerned may obtain a



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copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police, as and when required for interrogation;

(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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

25.01.2023

vsn

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