



Crl.O.P.No.4525 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 341, 294(b), 506(1) and 109 of IPC, in Crime No.430 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that, on 28.09.2022, when the *de-facto* complainant along with another person were walking towards the temple, the petitioner along with other accused have abused the *de-facto* complainant in filthy language and threatened him not to conduct the temple festival. Hence, the case.

3.The learned counsel appearing for the petitioner would that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the co-accused were arrested and enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused abused the *de-facto* complainant in filthy language, thereby caused interference with the temple festival. He would also submit that, this Court dismissed the earlier anticipatory bail petitions filed by the petitioner in Crl.O.P.No.27119 of 2022 and Crl.O.P.No.29662 of 2022 vide orders dated 11.11.2022 and 01.12.2022. He would further submit that the petitioner is a habitual offender and there are ten previous cases pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were released on bail, 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 before the **learned Judicial Magistrate, Madhavaram**, on condition that the petitioner shall execute



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a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties (out of which, one surety must be a blood surety) 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 daily at 10.30 a.m., for a period of two (2) months ;

[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.

02.03.2023

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