



Crl.O.P.No.4350 of 2023

A.D. JAGADISH CHANDIRA, J.,

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The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 353 & 506(i) of IPC in Crime No.07 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant/Yuvaraj is the Revenue Inspector in Sathuvachri Village has given a complaint stating that the petitioner had came to their office on 10.01.2023 @ 12.00pm and abused him and other officials with filthy language and prevented them from performing their official duty, since they have entered into the Bricklin and taken photographs without the permission of the petitioner. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is a councillor of Ward 24 Sathuvachari village and running bricklin in the same village. He would submit that the petitioner had given a complaint before the District Collector against the bricklin owners and certain revenue officials with regard to illegal theft of red sand, in order to wreck vengeance the present complaint has been given against the petitioner by using their official capacity. There is no previous case as against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner had gone to the office of the defacto complainant and abused him and other officials with filthy language and prevented them from performing the official duty, since they have entered into the Bricklin and taken photographs without the permission of the petitioner. He would further submit that no previous case is pending as against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either sides and also taking note of the fact that there is no previous case as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Magistrate No.V, Vellore, on condition that each of the petitioner 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 petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30a.m., for a period of two weeks and thereafter on every Saturday at 10.30am until further orders.

[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.

[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.

With the above directions, this Criminal Original Petition is ordered.

14.03.2023

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A.D. JAGADISH CHANDIRA. J,



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