



Crl.O.P.Nos.4805 & 4844 of 2023

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A.D.JAGADISH CHANDIRA,J.

The Criminal Original Petition in Crl.O.P.No.4805 of 2023 has been filed seeking to enlarge the petitioner on bail in the event of arrest by the respondent Police, in connection with Crime No.12 of 2023, registered for the offences punishable under Sections 353 & 506(i) of IPC, on the file of the respondent police.

2. The Criminal Original Petition in Crl.O.P.No.4844 of 2023 has been filed seeking to enlarge the petitioner on bail in the event of arrest by the respondent Police, in connection with Crime No.11 of 2023, registered for the offences punishable under Sections 147, 387, 294(b) and 506(i) of IPC and Section 3(1) of PPD L Act, on the file of the respondent police.

3. Based on the complaint given by one Chinna Kannan, who is running a TV Mechanic shop near the VCK Party office, that the first accused, who is the District Secretary of the VCK Party, used to ask him to



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hand over his shop to him and threatened him with dire consequences. While so, on 29.12.2022 at about 8.00 p.m., the first accused along with other accused, who were the members of the VCK Party, started demolishing the wall of the de-facto complainant's shop and when it is questioned by the de-facto complainant, the accused have abused him in a filthy language and threatened with dire consequences, a case in Crime No.11 of 2023 was registered for the offence under Sections 147, 387, 294(b) and 506(i) of IPC and Section 3(1) of PPD L Act.

4. Further, in connection with Crime No.11 of 2023, when the accused were issued with summons, they along with other members of the VCK Party prevented the de-facto complainant in Crl.O.P.No.4805 of 2023, from discharging his official duties. Thereby, a case in Crime No.12 of 2023 came to be registered for the offences punishable under Sections 353 & 506(i) of IPC.

5. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he



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belongs to the VCK Party. He also submitted that due to the previous enmity with the political party, the respondent has registered a false case against the petitioner. He also submitted that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

6. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused, on receipt of the summons from the respondent Police with regard to Crime No.11 of 2023, gathered together and prevented the de-facto complainant in Crl.O.P.No.4805 of 2023 from discharging his official duty, thereby, the case in Crime No.12 of 2023 was registered. He further submitted that major part of the investigation is over, however, he vehemently opposed for grant of anticipatory bail to the petitioner.

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



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8. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that major part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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, Arni**, 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 stands 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;



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. and 5.30p.m., for a period of two weeks and thereafter, on every Saturday at 10.30a.m., until further orders;

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

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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