



Crl.O.P.No.5248 of 2023

WEB COPY

Crl.O.P.No.5248 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 353 and 506(i) of IPC in Crime.No.15 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Sevvandhi is that she is working as an Union Engineer in Sholinghur Panchayat Union Engineering Division Office/Sholinghur Panchayat Union Office and that on 11.01.2023 at about 3.00 p.m., the petitioner/accused, who is the husband of the Pulivalam Panchayat Union Councillor Nadhiya, had abused the de facto complainant with filthy language and prevented her to discharge the duties and also assaulted her with book. 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 and he has been falsely implicated in this case.



WEB COPY

He would further submit that due to misunderstanding between the petitioner and the de facto complainant, a false complaint has been given.

Later, they decided to resolve the dispute and they are also taking steps to file a Joint Compromise Memo before this Court. He would further submit that no previous case is pending as against the petitioner. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner, who is the husband of the Pulivalam Panchayat Union Councillor, has abused the de facto complainant with filthy language, prevented her to discharge the duties and also life-threatened her. He would further submit that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.



CrI.O.P.No.5248 of 2023

WEB COPY

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

6. Taking into consideration the facts and circumstances of the case and also the submissions of either sides, 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, Sholingur, Ranipet District**, on condition that the petitioner shall execute a 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 :



WEB COPY



CrI.O.P.No.5248 of 2023

[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 everyday at 10.30 a.m., 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]*; and;

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

07.03.2023

arb



WEB COPY



Crl.O.P.No.5248 of 2023

A.D.JAGADISH CHANDIRA, J.

arb

Crl.O.P.No.5248 of 2023

07.03.2023