



Crl.O.P.No.5357 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 143, 294(b), 353, 506(i) of IPC r/w. Section 11(1)(a) of Prevention of Cruelty of Animal Act 1960 in Crime.No.15 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that the petitioners had celebrated Eruthu Vidum Vizha without obtaining permission and without following the precautionary measures. Hence the complaint.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that some youngsters in the village had conducted the Eruthu Vidum Vizha and the petitioners are nothing to do with the same and that they have also been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that accused celebrated Eruthu Vidum Vizha without obtaining permission and without following the precautionary measures. He would submit that there is no previous case against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

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 petitioners with certain conditions.

7. 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 on which the order copy made ready, before the **learned Judicial Magistrate-IV, Vellore** on condition that each of the petitioner



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shall execute a separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only) with one 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter 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;



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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 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.

10.03.2023

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