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Crl.O.P.No.5949 of 2023

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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) and 353 of IPC in Crime No.56 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant S.Shanmugam, Special Sub Inspector, B1 Bazaar Law and Order Police Station, Coimbatore is that on 28.02.2023 at about 22.15 hours, while he along with other policemen conducted vehicle check up at Pullakadu Junction, Coimbatore, at that time, the petitioner/accused, who was earlier involved in Coimbatore Serial Bomb Blast case had entered into a wordy quarrel with him, abused the de facto complainant and his colleagues with filthy language and also prevented them from discharging their official duty. Hence the case.



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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. He would further submit that a very reading of the FIR would show that it is the foisted case. He would further submit that the fact remains that the previous Coimbatore Serial Bomb Blast case in respect of the petitioner relates to the year 1998 and he was also acquitted from that case. While so, the respondent Police have repeatedly registering cases against the petitioner since he had agitated against the activities of the respondent Police, and thereby, a false case has been registered against the petitioner under Sections 294(b) and 353 of IPC. 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 on him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that on 28.02.2023 at about 22.15 hours, while



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the de facto complainant along with other police men were conducted vehicle check up at Pullakadu Junction, Coimbatore, at that time, the petitioner had entered into a wordy quarrel with the de facto complaint and his colleagues, abused them with filthy language and also prevented them from discharging their official duty. He would further submit that there are four previous cases pending as against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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, the submissions made by the learned Counsel on either side, 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



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the date on which the order copy made ready, before the **learned Judicial Magistrate No.V, Coimbatore, Coimbatore 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:

[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 stay at Periamet and report before the Inspector of Police, G2 Periamet Police Station, Chennai, everyday at 10.30 a.m., and 5.30 p.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.



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

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