



Crl.O.P.Nos.5950 & 5952 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner in Crl.O.P.No.5950 of 2023 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 341, 353, 506(ii) of IPC in Crime No.16 of 2023, seeks anticipatory bail.

The petitioner in Crl.O.P.No.5952 of 2023 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 341, 353, 506(ii) of IPC and Section 3(1) of Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.17 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the accused have unlawfully assembled and created rioting in order to promote enmity between different groups and paralyzed the traffic. The further allegation is that the accused have prevented the respondent police from discharging their official duty and by abusing them in a filthy language,



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threatened them with dire consequences and also damaged public properties. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to political rivalry, he has been falsely implicated in this case. He would further submit that since the petitioner has protested against the illegal arrest of their party cadres, a false complaint has been given against him. He would also submit that similarly placed co-accused in this case have also been enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (crl.side) would submit that the petitioner along with other accused had unlawfully assembled and by raising slogans against the respondent Police, paralyzed the traffic. He would further submit that the accused had prevented the respondent from discharging their official duty, by abusing them in a filthy language and also by threatening them with dire consequences. He further submitted that the accused have also damaged the public properties and there are 17



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previous cases pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also of the fact that the co-accused have been enlarged on bail, 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, Arani, 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



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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 Palayankottai and report before the Inspector of Police, Palayankottai, on every Saturday at 10.30 a.m., for a period of two months and thereafter, report before the respondent Police daily 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



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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;

17.03.2023

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