



Crl.O.P.No.6265 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 alleged offences punishable under Sections 294(b), 323, 355 & 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.32 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Linganandhan is that the first petitioner is a Panchayat Union Councilor. While so, on 04.02.2023, when the defacto complainant put up construction work in his land, at that time, the petitioners came there and threatened him that the land belongs to Eraiyur Panchayat and in which, they are going to construct temple. Further, it was alleged that on 01.03.2023, the petitioners had abused the defacto complainant and his mother for which, there was a wordy quarrel arose between them and the petitioners joined together and attacked the defacto complainant's mother and also intimidated her. Hence, the complaint.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the defacto complainant had constructed the house violation of the rules and when it was questioned by the petitioners, a false case has been foisted against them. He further submit that the petitioners are elected representative and they do not have any previous case pending against them. Thereby he seeks for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners who are independent councillors have demanded money when the defacto complainant was constructing a house and when she refused to pay the money, the petitioners abused her and intimidated her. He further submits that the petitioners have no previous case pending against them. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5.Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel, 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, Vanur, Villupuram District on condition that the petitioners 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety



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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, until further orders;

[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;

[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]**;

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

20.03.2023

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