



Crl.O.P.No.7515 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 alleged offences punishable under Section 353 of IPC, in Crime No.45 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that as per the direction of this Court order dated 20.10.2022 in WP.No.28222 of 2022, he had conducted survey of the property, during such time, the petitioner has abused him and also prevented him from discharging his duties. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that without issuing proper notice, the defacto complainant had conducted survey and when he was questioned by the petitioner, a false complaint has been given against him. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the



Crl.O.P.No.7515 of 2023

respondent Police would submit that as per the Court direction, the defacto complainant had conducted survey and without issuing proper notice to the petitioner, a false complaint has been given against him and he also submit that the petitioner is a senior citizen. Hence, he would vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel on either sides and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and 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 the date on which the order copy made ready, before the learned Judicial Magistrate, Pennagaram 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



Crl.O.P.No.7515 of 2023

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 report before the respondent police everyday at 10.30 a.m, for a period of one week and thereafter on every Saturday 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]**;



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Crl.O.P.No.7515 of 2023

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

06.04.2023

drl

Crl.O.P.No.7515 of 2023