



Crl.O.P.No.8972 of 2023

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**S.SOUNTHAR, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 353 IPC, in Crime No.77 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have resisted the Government officials from discharging their official duty of removing encroachments in the road. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case due to political rivalry. He further submitted that A1 has already granted anticipatory bail by the Principal Sessions Judge, Coimbatore in C.M.P.No.1295 of 2023 dated 09.03.2023. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.8972 of 2023

WEB COPY

4. The learned Government Advocate (Criminal Side) for the respondent submitted that the petitioner had resisted the Government official from discharging their duty. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Having regard to the allegation made against the petitioner in the FIR, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 No.II, Coimbatore**, 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 the police officer who intends to arrest or to the



CrI.O.P.No.8972 of 2023

WEB COPY

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 his Aadhar card or Bank pass Book to ensure their identity.

**[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks.**

[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.8972 of 2023

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

8. Accordingly, this Criminal Original Petition is ordered.

04.05.2023

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Crl.O.P.No.8972 of 2023