



CrI.OP.No.8709 of 2023

S.SOUNTHAR, J

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b) IPC r/w 3(1) of TNPPDL Act in Crime No.174 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a Tempo Traveller van. On the date of occurrence, the defacto complainant along with his friends went to the petitioners' village in his van to attend the cultural programme (Aadal Padal function), at that time, the petitioners along with their friends waylaid the defacto complainant and his friends and asked them from which village they belong to, for which, they have answered that they belong to Keelar Kollai, the petitioners further questioned them that persons from other villages are not entitled to visit here and thereby involved in the act of hurling stones on his vehicle and breaking the windshield and window glasses. It is further alleged the petitioners abused the defacto complainant and his friends in filthy language and caused injuries to them. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any such offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI. Side) would submit that on the date of occurrence, the defacto complainant along with his friends went to the petitioners' village in his van to attend the cultural programme (Aadal Padal function), at that time, the petitioners along with their friends waylaid the defacto complainant and his friends and asked them from which village they belong to, for which, they have answered that they belong to Keelar Kollai, the petitioners further questioned them that persons from other villages are not entitled to visit here and thereby involved in the act of hurling stones on his vehicle and breaking the windshield and window glasses and caused injuries to them. He would further admit that the injured has been discharged from the hospital. However, he would vehemently oppose to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.Side) and perused the materials available on record.



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6. Having regard to the allegations made against the petitioners in the FIR and also the submissions made by both counsel and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail 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, Thirukazhukundram* on condition that each of the petitioners shall execute separate bonds 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 bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



[b] the petitioners shall before the respondent police every day at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[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 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.

05.05.2023

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