



Crl.O.P.No.9054 of 2023

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A.D.JAGADISH CHANDIRA, J.

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The petitioners, who apprehend arrest for the alleged offences under Sections **144, 341, 294(b), 427 and 506 (ii) of IPC**, in Crime No.72 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that due to political rivalry, the petitioners, along with other accused, have removed the banner which was fixed by the defacto complainant. Hence, the case.

3. Learned counsel appearing for the petitioners would submit that the petitioners and the de facto complainant are residents of the same village and belong to different political parties and due to political animosity, a false complaint has been registered against the petitioners. He would further submit that even as per the de facto complainant, the petitioners are stated to have prevented the de facto complainant from fixing the banners and some of the co-accused have been enlarged on bail and hence, prays for grant of anticipatory bail.



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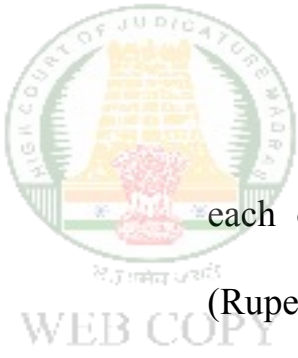
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4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioners belongs to different community and they have prevented the defacto complainant from fixing banners, abused and assaulted him. He would submit that since it is a dispute between two communities, he would object for grant of anticipatory bail to the petitioners stating that tension is still prevailing in the village.

5. Submissions made by the learned counsels appearing on either side are considered.

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, Vaniyambadi, Triupattur District**, on condition that



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each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall stay at Chennai and report before the North Beach Police Station every day at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police daily at 10.30 a.m. for further period of two weeks and thereafter every Saturday 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;



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(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]***; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

28.04.2023

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