



Crl.O.P.No.9659 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), 353, 384, 385 and 506(i) of IPC and Section 4 of TNPHW Act, in Crime No. 79 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Balaji, is that the accused under the guise of social work have been harassing the defacto complainant and also the other officials of the Panchayat and they have been preventing them from doing the panchayat contract work and they have also demanding money from them. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are social workers and when they questioning the illegality committed by the Panchayat President, the defacto complainant herein and other officials of the Panchayat, thereby a false complaint has been given against him due



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to political influence. He further submitted that the first accused Raja in this case has been arrested and enlarged on bail by the Judicial Magistrate No.I, Pollachi, in [Crl.MP.No.1744](#) of 2023 dated 27.04.2023. He would further submit that he has been implicated only based on the confession recorded from the said Raja. Hence, he prayed to grant anticipatory bail to the petitioners .

4. The learned Government Advocate (Crl. Side) would submit that the accused under the guise of social work has been harassing the defacto complainant and also the other officials by preventing them from doing the panchayat work and they also also demanded money from them. He further submitted that the second petitioner has one previous case pending against him. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides, this Court is inclined



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to grant anticipatory bail to the petitioners with certain conditions.

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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 No.1, Pollachi**, on condition that the petitioners shall execute separate 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 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 report before the respondent Police Station, everyday at 10.30 a.m., until further orders.



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[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.

05.06.2023

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