



Crl.O.P.No.9466 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 147, 448, 294(b), 506(2) of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act and Section 3(1) Prevention of Damage to Public Property Act, 2002 in Crime No. 251 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Dhasanamoorthy is that on 14.04.2023 at about 6.30 p.m, the petitioners along with 9 others have torn the digital banner of the party leader, which was erected near the defacto complainant house, and the defacto complainant's wife on seeing the same, she shouted at them, for which, the petitioners abused her and their relatives with filthy language and also threatened them with dire consequences. It is further alleged that the petitioners along with other persons had damaged the compound wall of



Crl.O.P.No.9466 of 2023

the defacto complainant and also ransacked all banner/posters. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and due to political reason, they has been falsely implicated in this case and the have not committed any such offence as alleged by the prosecution. He further submit that the petitioners have no previous case pending against them. He further submit that the petitioners are ready to abide any condition that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that due to political reason, the petitioner along with other members ransacked the banners of party leader into small bits and also abused the defacto complainant's wife and her relatives and also threatened them with dire consequences and the petitioners also damaged the compound wall of the defacto complainant. He further submit that as against the



Crl.O.P.No.9466 of 2023

first petitioner there are 8 previous cases pending and as far as the second and third petitioners are concerned, there are no previous cases against them. 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 of the case and the submissions made by the learned counsel and also taking note of the fact that the first petitioner is concerned there are eight previous cases against him, the petition in respect of A1 is dismissed. As far as the second and third petitioners are concerned, they have no previous case, this Court is inclined to grant bail to the second and third petitioners with certain conditions.



Crl.O.P.No.9466 of 2023

WEB COPY

7. Accordingly, the second and third 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 Court No.II, Poonamallee**, on condition that the petitioners shall execute a separate 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 Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second and third 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 second and third petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter on 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.



Crl.O.P.No.9466 of 2023

WEB COPY

[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.

27.04.2023

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Crl.O.P.No.9466 of 2023

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Crl.O.P.No.9466 of 2023

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