



CrI.OP.No.9397 of 2023

S.SOUNTHAR, J

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353 of IPC, 1860 and Section 4 of TNPHW Act in Crime No.190 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a Commissioner, Dharapuram Municipality. He lodged a complaint through post stating the on 12.04.2023, the petitioner Aarusamy came to the Municipality Office to see the Surveyor Kavitha Devi and quarrelled with her to issue patta in his name for the land belonging to Housing Development Board and abused her in obscene words and pushed her down. Thereby, the petitioner has prevented the said Surveyor to carry out her official duty. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any such offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (CrI. Side) would submit that the petitioner Aarusamy came to the Municipality Office to see the Surveyor Kavitha Devi and quarrelled with her to issue patta in his name and for the land belonging to Housing Development Board and abused her in obscene words and pushed her down and prevented her to carry out the official duty. However, he would vehemently oppose to grant anticipatory bail to the petitioner.

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

6. Having regard to the allegations made against petitioner in an FIR and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail with certain 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, Dharapuram, Tiruppur District*** on condition that the petitioner shall execute a 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



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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 petitioner 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 petitioner shall report 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 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]**.

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

05.05.2023

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