



Crl.O.P.No.10413 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 353 and 294(b) of IPC, in Crime No.116 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Jothimani, Sub Inspector of Police, is that on 28.03.2023 during mid night they were conducting vehicle check up by placing barricades. The accused who belongs to a political party came there and abused the police officials and also threatened them for placing barricade and when it was questioned by the defacto complainant, the petitioner intimidated and abused the defacto complainant in singular language. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is a social activist and member belongs to political party inimical to the ruling party and thereby a false complaint has been registered against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner is a habitual offender and he is having six previous cases pending against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that since because the petitioner had taken up social issues, the respondent has foisted a complaint against him. He would further submit that the petitioner is now leading a reformed life and taking up social issues and he has also filed an affidavit of undertaking before this Court that he will not indulge in any illegal or unlawful activities in future.



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6. Heard both sides and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and also the submission of both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 Metropolitan Magistrate X, Egmore, Chennai**, 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 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:



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[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 everyday at 10.30 a.m., for a period of four weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[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 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]**.



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

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