



Crl.O.P.No.11280 of 2023

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V.LAKSHMINARAYANAN. J.,

The petitioner, who apprehends arrest for the alleged offences under Sections 147, 448, 294(b), 506(1) of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act and Section 3(1) of Prevention of Damage to Public Property Act in Crime No. 251 of 2023, seeks 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 petitioner and other accused persons 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 petitioner along with other accused persons, abused her and their relatives with filthy language and also threatened them with dire consequences. It is further alleged that the petitioner along with other persons had damaged the compound wall of the defacto complainant and also ransacked all banner/posters. Hence, the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and due to political reason, he has been falsely implicated in this case and he has not committed any such offence as alleged by the prosecution. He further submits that on perusal of records against the petitioner, the petitioner having only one previous alleged case in Crime No.670 of 2021 pending on the file of the respondent police, but the prosecution has falsely with intention to dismiss the previous anticipatory bail application in Crl.O.P.No.9466 of 2023 has filed alleged reply that the petitioner having 8 previous case, which is completely false and imaginary statements filed by the prosecution. He further submits that the accused Nos.2 and 3 were granted anticipatory bail and hence, the petitioner is filing this second anticipatory bail application. He further submits that the petitioner is ready to abide any condition that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit



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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 petitioner also damaged the compound wall of the defacto complainant. He further submit that there is only one previous case pending as against the petitioner on perusal of records.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner is having only one previous case in Crime No.670 of 2021 pending on the file of the respondent police and the co-accused persons were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her/their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***II Judicial Magistrate Court, Poonamallee*** on condition that the



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petitioner shall execute a 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during



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investigation or trial;

(f) 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;

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

24.05.2023

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