



Crl.OP.No.12628 of 2023

A.D.JAGADISH CHANDIRA, 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), 448, 353, 506(i) of IPC r/w Section 4 of TNPHW Act, in Crime No.151 of 2023, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 19.04.2023, the petitioner along with other accused had entered into the defacto complainant's office (Tahsildar Office) and abused the Tahsildar and other office staff by using filthy language and threatened them with dire consequences and asking details of Government lands in Gummidipoondi factory premises. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is a practicing advocate and a social activist in Gummidipoondi region, he filed a writ petition against the defacto complainant in W.P.No.12483 of 2023 before this Court.



He sent various letters to the defacto complainant under RTI Act for getting details of land near SIPCOT area and the same has not been considered by the defacto complainant. Hence, the petitioner and the co-accused entered into the Tahsildar's office and enquired about the said letter, thereby a false case has been foisted against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner along with other accused had entered into the Tahsildar's office and abused the Tahsildar and other office staff in filthy language and threatened them with dire consequences. He further submit that the petitioner has no previous case against him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record including the documents filed along with the petition.

6. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of three days from the date on which the order copy made ready, before the **District Munsif cum Judicial Magistrate, Gummidipoondi**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, 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 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 petitioners shall report before the respondent police everyday at 10.30 a.m.

[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



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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.

12.06.2023

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