



Crl.OP.No.12969 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), 353 and 506(i) of IPC in Crime No.134 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is working as a Junior Engineer of the Kottur Village Panchayat. When he had asked the accused regarding contract works ie., to lay the road properly. Due to which, the accused/contractor and his men abused and assaulted him and also criminally intimidated him. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent. He would further submit that the petitioner is a Government Contractor and he had laid the roads as per the rules, whereas the defacto complainant had demanded 3% commission. Since the petitioner had refused to pay the amount to the defacto complainant, he has given a false complaint. He would further submit that the defacto complainant had also failed to release the payment and when the petitioner demanded money,



false complaint has been given. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the defacto complainant is working as a Junior Engineer of the Kottur Village Panchayat. When he had asked the accused regarding contract works ie., to lay the road properly. Due to which, the accused/contractor and his men abused and assaulted him and also criminally intimidated him. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records including the FIR.

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



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Crl.OP.No.12969 of 2---

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 Court- II, Mannargudi* on condition that the 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, 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/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioner report before the respondent police every day 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] 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, as laid



Crl.OP.No.12969 of 2---

down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala***
[(2005) AIR SCW 5560]; and;

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[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Vv

13.06.2023

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Crl.OP.No.12969 of 2---

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Crl.OP.No.12969 of 2023

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