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Crl.O.P.No.13182 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 353 of IPC in Crime No.161 of 2023, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Joseph Arokiaraj is that he is working as a Senior Bailiff in the District Court. On 16.05.2023, when the defacto complainant along with other Government Official had gone to take possession of a property mentioned in E.P.No.71/2019/No.313/13 of Sub Court No.I, Salem, the petitioners abused them and prevented them from discharging their duties. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and a false case has been foisted against them on account of property dispute. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners prevented the defacto complainant and other Government officials from discharging their duties and abused them. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

6. Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of



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fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.IV, Salem,** on condition that the petitioners shall execute a separate 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 petitioners 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 1 and 2 shall report before the respondent police everyday at 10.30 a.m. for a period of one week and thereafter, every Saturday at 10.30 a.m. until further orders.

the 3rd petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m. until further orders.

[c] the petitioners shall not tamper with



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evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



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[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].

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

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