



WEB COPY



Crl.O.P.No.13601 of 2023

Crl.O.P.No.13601 of 2023

and Crl.MP.No.8953 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b) & 506(ii) of IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984 in Crime No.73 of 2023 seeks anticipatory bail.

2. The case of the prosecution is that on 02.06.2023, the defacto complainant and his associates had illegally drawn the water directly from the overhead tank and when the same was questioned by the petitioner, being a ward member, for which, a wordy quarrel arose between them. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, He further submit that due to previous enmity, a false complaint has been



CrI.O.P.No.13601 of 2023

given against the petitioner. He further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and 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 had illegally drew the water from the overhead tank and when the same was questioned by the petitioner, for which, a wordy altercation took place. He would submit that there is no previous case as against the petitioner. Hence, he object for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner.



CrI.O.P.No.13601 of 2023

WEB COPY

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 District Munsif cum Judicial Magistrate, Madathukulam**, 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 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., 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.



CrI.O.P.No.13601 of 2023

WEB COPY

[e] 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]**.

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

8. Accordingly, this Criminal Original Petition is ordered. Consequently, connected Miscellaneous Petition is closed.

27.06.2023

drl



WEB COPY



Crl.O.P.No.13601 of 2023

A.D.JAGADISH CHANDIRA. J.

drl

Crl.O.P.No.13601 of 2023

and Crl.MP.No.8953 of 2023

27.06.2023