



Crl.O.P.No.13460 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 of IPC, in Crime No.133 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is one Mr.Celestine has lodged a complaint stating that the Sub-Divisional Magistrate cum Sub-Collector, Thiruvallur, has passed an order in Rc.158/2023/A7 directing the petitioner to hand over the functioning of the Association to the erstwhile Office Bearers of the Association. However, the petitioner has failed to follow the order passed by the Sub-Divisional Magistrate cum Sub-Collector, Thiruvallur, and the petitioner did not receive the summons and has been in hideout carrying the functions of the Association. Further, the salary of the Security Staff of the Association has not been paid properly thereby creating law and order issue. Hence, the case.



Crl.O.P.No.13460 of 2023

WEB COPY

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 due to the election conducted in the association of the flat owners, there was a case, which resulted in passing of order by the Sub Divisional Magistrate under Section 107 of Cr.P.C., to execute a bond under Section 111 Cr.P.C., since the petitioner has not executed the bond, the other person in the flat has given this complaint and FIR has been registered. Further, the petitioner herein filed W.P.No.14798 of 2023 and he has obtained stay of the order passed by the Sub Divisional Magistrate on 02.06.2023. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that due to election dispute arose between the flat owners association, the Sub-Divisional Magistrate cum Sub-Collector, Thiruvallur, has passed an order in Rc.158/2023/A7 directing the petitioner to hand over the functioning of the Association to the erstwhile Office Bearers of the



Crl.O.P.No.13460 of 2023

Association. However, the petitioner has failed to follow the order passed by the Sub-Divisional Magistrate cum Sub-Collector, Thiruvallur, and the petitioner did not receive the summons and has been in hideout carrying the functions of the Association. Further, the salary of the Security Staff of the Association has not been paid properly thereby creating law and order issue. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances and also taking note of the fact that the very genesis of the FIR is under challenge before this Court in W.P.No.14798 of 2023 and interim stay has been granted on 02.06.2023, 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 appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate – II, Thiruvallur**, on condition that the petitioner shall execute a bond for a sum of **Rs.5,000/- (Rupees Five Thousand**



Crl.O.P.No.13460 of 2023

only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest 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 appear before the respondent police as and when required for interrogation.

[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 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.**



Crl.O.P.No.13460 of 2023

State of Kerala [(2005)AIR SCW 5560].

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

08.08.2023

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oRMT.TEEKAA RAMAN,J.

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Page 5 of 6



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Crl.O.P.No.13460 of 2023

Crl.O.P.No.13460 of 2023

08.08.2023