



Crl.O.P.No.13628 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 alleged offences punishable under Sections 294(b), 353, 341, 506(ii) of IPC r/w Section 3 of TNPPDL Act, 1992 in Crime No. 204 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant had conducted enquiry, for which, the petitioners had abused him with filthy language and also threatened him and also prevented from discharging his official duties and he also damaged the government vehicle with registration no.TN-25G-0409. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He further submit that there are previous cases pending against the petitioners, for which, a false complaint has been given against the petitioners. Hence, he prays for the 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 first petitioner claims to be an old man, has got 38 previous cases pending against him under the Prohibition Act cases and when the defacto complainant had questioned the same, he along with other accused abused the defacto complainant with filthy language and also threatened him with dire consequences. He further submits that the petitioner A2 has got 2 previous cases and the petitioner A3 he has got 3 previous cases pending against 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 into consideration the facts of the case and the submissions made by the learned counsel on both sides, since the first petitioner has got 38 previous cases pending against him, in respect of A1, this Court is not inclined to grant anticipatory bail to the petitioners and thereby the petition is dismissed and as far as the petitioners 2 and 3 are concerned, this Court is inclined to grant anticipatory bail to them



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with certain conditions.

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7. Accordingly, the petitioners 2 & 3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Cheyyar, Tiruvannamalai District**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 petitioners 2 & 3 and the surety 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 2 & 3 shall report before the respondent police everyday at 10.30 a.m, until further orders.

[c] the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

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[d] the petitioners 2 & 3 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 petitioners 2 & 3 in accordance with law as if the conditions have been imposed and the petitioners 2 & 3 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.

27.06.2023

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