



Crl.OP.No.13658 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), 352, 353, 506(i) of IPC in Crime No.232 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a Constable at Kodavasal Police Station. While the defacto complainant was in bandobust during temple festival, there was a quarrel between the Mike Set Serviceman and the village people. When the defacto complainant intervened, the accused along with his brother had abused and threatened the defacto complainant with filthy language and also attempted to assault the defacto complainant and when the defacto complainant attempted to apprehend him, they had run away from the scene of occurrence. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent. He would further submit that even as per the prosecution, the petitioner's elder brother namely Bala Guru is the person who had misbehaved with the police men. He would further submit that



there is a delay of 10 days in preferring the complaint and the petitioner's brother was arrested and he has been released on bail. Hence, he would seek anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner along with his brother misbehaved with the defacto complainant and also attempted to assault him. He would further submit that the petitioner's elder brother has been arrested and enlarged on bail. Hence, he would vehemently oppose to grant anticipatory bail to the petitioners.

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.

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, Thiruvavarur, Thiruvavarur District* 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 shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station, Trichy everyday at 10.30a.m., for a period of two weeks and thereafter report before the respondent police on every Saturday 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



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

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

Vv

20.06.2023

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Vv

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