



Crl.O.P.No.14702 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 352 and 506(i) IPC in Crime No.327 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is shown as accused in Crime No. 327 of 2023 for the offences under Sections 294(b), 352 and 506(i) IPC. There is a counter case in Crime No.325 of 2023 registered, on the basis of the complaint given by the petitioner against the defacto complainant. Thus, he prays for granting of anticipatory bail to the petitioner.

3. Learned Government Advocate (Criminal side) opposed this petition, on the ground that, petitioner was elected as ward member of 14th ward. He is said to have abused the defacto complainant, alleging that, since he lost the election, why he is taking photographs during rain water harvesting project. Petitioner started attacking the defacto



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complainant with stone and hands. As a result, defacto complainant suffered injuries and was treated as out-patient. Therefore, he prays for dismissing the petition.

4. Considered the nature of the incidents, where two parties have fought with each other and gave complaint against each other and the fact that defacto complainant was treated as out-patient, this Court is of the view that, custodial interrogation of the petitioner is not necessary

5. In such circumstances, 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, Tiruthuraipoondi**, 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



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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.

[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].



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

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