



Crl.O.P.No.15891 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 448, 294(b), 352, 506(2) of IPC & 25(1A) of ARMS Act, 1959 in Crime No.186 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocents and due to political rivalry false case has been given by the *de-facto* complainant, based on which a case in Crime No.186 of 2022 was registered for the offences under Sections 147, 148, 448, 294(b), 352, 506(2) of IPC & 25(1A) of ARMS Act, 1959. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, *de-facto* complainant and the accused belong to same political party. There was a rivalry between them. As a result, on 06.06.2022 at about 12.00 noon, accused had trespassed into the house



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of the *de-facto* complainant with deadly weapons and made criminal intimidation and also abused the defacto complainant in filthy language.

A1 was arrested and released on bail, A2 & A3 were granted anticipatory bail.

4. Considering the nature, facts and circumstances of the case and the allegations made in the FIR and also the fact that A1 was granted bail and A2 & A3 were granted anticipatory bail and that material part of the investigation might have been over by this time, this Court is inclined to grant anticipatory bail to the petitioners for the reason that custodial interrogation of the petitioners is not necessary.

5. Accordingly, petitioners 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-II, Nagapattinam** on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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



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which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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 petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 in accordance with law as if the conditions have been imposed and the petitioners 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.

21.07.2023

mpl

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