



Crl.O.P.No.16914 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 4 (1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, in Crime No.173 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that petitioner was not responsible for pasting the poster alleged in the FIR. Poster was pasted by the head office of the Tamil Puligal Party. The reason for pasting the poster is that despite giving complaint regarding SC/ST harassment, no action was taken by Deputy Superintendent of Police, Mr.Karthik. Thus, he prays for anticipatory bail for the petitioner.

3. In response, the learned Government Advocate (Crl.Side) submitted that petitioner is responsible for pasting the poster against the Deputy Superintendent of Police. He further submitted that investigation in this case is pending and prayed for dismissal of this petition.



Crl.O.P.No.16914 of 2023

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4.Considering the rival submissions and the facts and circumstances of the case, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner. Therefore, 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, Vandavasi**, on condition that the petitioner shall execute a 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 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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CrI.O.P.No.16914 of 2023

[b] the petitioner shall report before the Cheyyar Police Station 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].

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

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