



Crl.O.P.No.18876 of 2023

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G. CHANDRASEKHARAN, J.,

The petitioners/accused Nos.1 to 6, Tamizhvanan, Dharmaraj, Karunanithi, Lakshmi@Dhanalakshmi, Rani and T.Ganesan, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 341, 294 (b), 353 & 323 IPC, in Crime No.251 of 2023, on the file of the respondent police seek anticipatory bail.

2. The learned counsel for the petitioners submitted that petitioners are falsely implicated as accused in this case. Fourth accused Pavunammal was arrested and released on bail. Apprehending arrest, this petition is filed.

3. The learned Additional Public Prosecutor submitted that defacto complainant is a Senior Bailiff working in Perambalur District Court. He was entrusted with the job of delivering the property in respect E.P.No.46 of 2014 of Sub Court, Perambalur. Property situated in S.F.No.192/3 to an extent of 36 cents and S.F.No.192/9 to an extent of 78



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cents, totally, an extent of 1 acre and 14 cents. As per the Court's warrant, he visited the suit property at about 11.45 a.m., along with VAO and police officials. When he was inspecting the property, accused had scolded the plaintiff in filthy language and slapped him on his cheeks. Pavunammal poured kerosene on her body and restrained him from doing his duty. Other accused scolded him in filthy language and restrained him from performing his duty as a public servant. Hence, he prays for the dismissal of this petition.

4. Considered the rival submissions and perused the records.

5. This is the second anticipatory bail petition. The earlier anticipatory bail petition filed by the petitioners in Crl.O.P.No.14862 of 2023 was dismissed on 17.07.2023 for the reason that, the petitioners had prevented the public servant, who is a Court official, from discharging his duty. Since the dismissal of the first anticipatory bail petition, the respondent police had not taken any steps to arrest the petitioners.



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6. Taking into consideration the facts of the case and to take this case to the next level, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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, Kunnam** on condition that the each of the petitioners shall execute 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 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] (i) the petitioners 4 and 5 shall report before the respondent police as and when required for



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interrogation

(ii) the petitioners 1,2,3 and 6 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].

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

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