



Crl.O.P.No.19270 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 353, 332 and 506(ii) of IPC and Section 185 of the Motor Vehicles Act, 1988, in Crime No. 442 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant namely R.Mohan, who is working as Grade-I Police Constable along with Sub-Inspector of Police and Driver were travelling for 'Ronthu service' from Mecheri to Mettur on 09.08.2023 at about 20.20 hours, the petitioner and other accused person Nanthakumar met with an accident by travelling EON car bearing Regn.No.TN-93-9158 in opposite to Visa Family Restaurant, Mecheri, Salem District, and when the defacto complainant went to the petitioner's car to help them, the petitioner was in drunken mode, abused them in filthy language and beaten the defacto complainant. Hence, the case has been registered.



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3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that due to wordy quarrel between the petitioner and the defacto complainant, a false complaint has been given against the petitioner. He would also submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that while the defacto complainant along with other police officials were in patrolling they found a car met with an accident and when the defacto complainant and other police officials went there and try to rescue the injured, the petitioner abused them in filthy language and threatened them with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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record.

5. Heard both sides and perused the materials available on

6. The learned counsel for the petitioner also brought to my notice about the paper publication in Dinakaran and Dina Thanthi that against the very same Inspector of Police, the petitioner herein has given a complaint of bribe under Vigilance and Anti-corruption and the same has been registered and in order to wreck vengeance, a false complaint has been foisted against the petitioner.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

8. 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 **Judicial**



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Magistrate II, Mettur, 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 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., for a period of six weeks and thereafter, as and when required for interrogation.

[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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

05.09.2023

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