



Crl.O.P.No.23840 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners/A1&A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 353, 323 and 506(ii) of I.P.C, in Crime No.528 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is an Inspector of Police and had tried to execute the warrant issued by the Vth Additional Family Court, Chennai, wherein M.C.No.14 of 2019 was pending. The said Maintenance Case was filed by the mother of the first petitioner. When the de-facto complainant tried to execute the warrant, the accused herein are said to have prevented them from discharging their duty. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) for the respondent submits that when the de-facto complainant tried to execute the warrant, the accused herein are said to have prevented them from discharging their duty. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is not inclined to grant anticipatory bail to the first petitioner and the petition is dismissed against the first petitioner so far as the second petitioner is concerned, this Court is inclined to grant anticipatory bail to the second petitioner.

7. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of



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fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Tiruvallur** on condition that the petitioner shall execute a separate 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 second 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 second petitioner shall report before the respondent Police, on everyday at 10.30 a.m., until further orders;**

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second petitioner shall not abscond either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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.

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