



Crl.O.P.No.32294 of 2022

Crl.O.P.No.32294 of 2022

WEB COPY

T.V.THAMILSELVI, J.

Heard both sides.

2. The learned Government Advocate (Crl.Side) would submit that there is no petition or enquiry is pending as against the petitioner herein.

3. Recording the same, this criminal original petition is closed.

03.01.2023

vkx

(1/2)



Crl.O.P.No.32294 of 2022

Crl.O.P.No.32294 of 2022

WEB COPY

T.V.THAMILSELVI, J.

At the instance of the learned counsel for the petitioners, this Criminal Original Petition is listed today under the caption “for being mentioned”. When the matter was came up on 03.01.2023, it was mentioned as no case no petition, therefore, this Court pleased to passed an order. However, it was brought to the knowledge of this Court that only against the petitioners 1 and 2, there is no petition or enquiry is pending. Therefore, the learned counsel for the petitioner prayed for suitable directions.

2. Considering the above submission, the order shall be read as follows:

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 307 and 506(ii) of IPC in Crime No.2163 of 2020, seek anticipatory bail.



Crl.O.P.No.32294 of 2022

WEB COPY

2. The case of the prosecution is that there is a company namely Indo Space had appointed a contractor namely KEC to fill up mud in the construction work and thereby, one Geetha Mohan, who is the Village President, had appointed the defacto complainant to fill up the mud/soil from the Government approved quarry. While so, A1 had threatened the defacto complainant to change the contract to one SMG Srinivasan. When he refused to do the same, A1 along with some unknown person have threatened the defacto complainant with knife and scolded him with dire consequences . Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, they have been falsely implicated in this case. He would further submit that even though, the name of the petitioners does not find place in the First Information Report. Hence, he prays for grant of anticipatory bail to the petitioners.



Crl.O.P.No.32294 of 2022

WEB COPY

4. Learned Government Advocate (Crl.Side) submitted that there is no petition or enquiry is pending as against the petitioners 1 and 2 herein. He further submitted that the petitioners 3 and 4, due to changing of the contract, the petitioners along with other accused have abused the defacto complainant in filthy language and threatened him with knife. He would further submit that no one has been injured in this case. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners 3 & 4 with certain conditions.

7. Accordingly, the criminal original petition in respect of the



Crl.O.P.No.32294 of 2022

WEB COPY

petitioners 1 and 2 stands closed and the petition in respect of the petitioners 3 and 4 is ordered and the petitioners 3 and 4 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 No.I, Thiruvallur**, on condition that the petitioners 3 & 4 shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 3 & 4 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 petitioners 3 and 4 shall report before the respondent police on every Wednesday at



WEB COPY



Crl.O.P.No.32294 of 2022

10.30 a.m., for a period of eight weeks.

[c] the petitioners 3 & 4 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 3 & 4 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 petitioners 3 & 4 in accordance with law as if the conditions have been imposed and the petitioners 3 & 4 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;

24.01.2023

vkx

T.V.THAMILSELVI, J.



WEB COPY



Crl.O.P.No.32294 of 2022

vkf

Crl.O.P.No.32294 of 2022

20.01.2023