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Crl.O.P.No.29012 of 2023

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P.DHANABAL, J.

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353 and 506(i) of IPC in Crime No.429 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, *de-facto* complainant is working as a Revenue Inspector at Kottur Revenue Inspector Office. On 09.11.2023, the petitioner appeared before the *de-facto* complainant and demanded to issue free house site patta for (1) Tmt.Sudha W/o. Muthukumar, (2) Tmt.Andal W/o. Natarajan and (3) Tmt.Arivuselvi W/o. Mahendran. He also threatened her that he would lodge a complaint against her under Scheduled Caste and the Scheduled Tribe Act, if she failed to do the same. Further, the petitioner had called the *de-facto* complainant over cellphone for about 37 times from 25.10.2023. On 09.11.2023, when the *de-facto* complainant was on her duty at the office of the Revenue Inspector, petitioner is alleged to have taken photographs and videographs of the *de-facto* complainant and threatened her that he is



CrI.O.P.No.29012 of 2023

working in a Press and he would publish the same in a wrong manner and will paste defaming posters in this regard. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. Hence he seeks anticipatory bail.

4.The learned Government Advocate (CrI.side) would submit that the petitioner had abused, threatened and prevented the *de-facto* complainant from discharging her duties. He further submitted that there is no previous case pending against the petitioner. However, he objected to grant anticipatory bail to the petitioner.

5.Heard both side and perused the materials available on record.

6.Considering the offences charged against the petitioner and also considering that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

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



Crl.O.P.No.29012 of 2023

from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Mannargudi**, 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 Inspector of Police, Thiruvarur Town Police Station, Thiruvarur daily at 10.30 a.m., for a period of thirty days 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.



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CrI.O.P.No.29012 of 2023

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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 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.

28.12.2023

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CrI.O.P.No.29012 of 2023