



Crl.O.P.No.958 of 2024

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C.V.KARTHIKEYAN, J.

The Petitioners seek anticipatory bail in Crime No.426 of 2023 registered by the Respondent Police for the offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC.

2. It is the case of the prosecution that the ward counsellor of the 19th ward of Edanganasalai Municipality in Salem had given a complaint that the Municipality wanted to construct a public toilet near Nallanapatty Nursery School. But, when the contractor was cleaning the place, the Accused persons had come there and had intercepted the work and had also assaulted the defacto complainant. This quarrel led to violence and leading to registration of First Information Report. Hence, this case.

3. It is stated that the Petitioners had protested against the construction of the toilet. They can do so by taking recourse to Court of law but should not engage in a dispute in the middle of the road.



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4. The defacto complainant may proceed further in accordance with law and if the Petitioners have any objections, they may approach the competent Court for getting necessary orders.

5. Observing as above, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions. Accordingly, the 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 Judicial Magistrate – II, Sankagiri, Salem District**, on condition that the petitioners 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 petitioners 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.



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[b] the 1st, 4th, 5th, 6th and 7th petitioners shall report before the Respondent Police daily at 10.30 a.m., for a period of two weeks and the 2nd and 3rd petitioners shall report before the Respondent Police once in a week i.e., on every Saturday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the interrogation.

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

[d] the petitioners 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 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]**.



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

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