



Crl.O.P.No.19605 of 2024

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WEB COUNCIL **P.DHANABAL,J.**

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 295 of I.P.C in Crime No.161 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that that the petitioners and the defacto complainant are neighbours. It is stated that the defacto complainant is a devotee of Lord siva and he is doing poojas for the idol of Lord Siva. The petitioners are causing trouble to do the said pooja and damaged the idol of the Lord Siva. This led to a quarrel between them and thereafter, the quarrel escalated into violence. Hence, this petition.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners are no way connected with the said occurrence



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4.The learned Government advocate(Crl.Side) would submit that the petitioners attacked the defacto complainant and threatened him with dire consequences. However, he objected to grant anticipatory bail to the petitioner.

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

6.Considering the rival submissions on either side and considering the fact that there is no previous case pending against the petitioner, the idol was already recovered and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate Court No.1, Mettur, Salem** 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 learned



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Magistrate concerned and on further condition that:

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

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

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

14.08.2024

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