



Crl.O.P.No.27379 of 2023

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C.V.KARTHIKEYAN,J.

The petitioners who apprehend arrest at the hands of the respondent Police for the offences under Sections 341, 353, 225 of IPC in Crime No.1008 of 2023, seek anticipatory bail.

2.This is the second application seeking anticipatory bail. The earlier application filed by the petitioners was dismissed by this Court on 06.11.2023 in Crl.O.P.No.25287 of 2023.

3.The case of the prosecution is that when the respondent had tried to take into custody, an accused called Senthilkumar in Crime No.317 of 2023 which had been registered for the offences under Sections 294(b), 153(A), 504, 509 IPC and 4 of TNPHW Act and 506(ii) of IPC, these petitioners had obstructed the respondent from effecting such arrest. Consequently, the present First Information Report came to be registered.

4.However, it is pointed out on behalf of the petitioners that with respect to these incidents, two separate First Information Reports have been



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registered. One in FIR in Crime No.816 of 2023 under Sections 143 and 341 of IPC by the Thirumuruganpoondi Police Station and the other in FIR in Crime No.1008 of 2023 in which anticipatory bail is now sought under Sections 341, 353 and 225 of IPC by the Velampalayam Police Station. It is stated that both the First Information Reports have been registered with respect to the allegations that the petitioners herein had obstructed the respondent from effecting the arrest of the accused in FIR in Crime No.317 of 2023 / Senthilkumar. It is therefore pointed out on behalf of the petitioners that on the same set of facts, two separate First Information Reports have been registered, one for bailable offences and the other for non-bailable offences.

5. The learned Government Advocate (crl.side) however stated that it was a continuous series of actions by the petitioners herein one within the jurisdictions of Thirumuruganpoondi Police Station and the other within the jurisdiction of Velampalayam Police Station necessitating two separate complaints to be lodged and on the basis of such complaints being lodged, the respective respondents had registered two separate First Information Reports.



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6. Those are issues which can be examined in a different forum and not before this Court. This Court is only involved with the First Information Report in Crime No.1008 of 2023 registered under Sections 341, 353, 225 of IPC. In this particular case, it is alleged that these petitioners had obstructed the respondent from taking into custody one Senthilkumar who was an accused in FIR in Crime No.317 of 2023 registered by Puliampatti Police Station under Sections 294(b), 153(A), 504, 509 IPC and 4 of TNPHW Act and also under Section 506(ii) of IPC. The irony of the entire issue is that the particular person who was obstructed from being arrested by these petitioners was granted bail on the very same day by the learned jurisdictional Magistrate. Therefore, the efforts taken by these Petitioners to obstruct arrest was infact not at all necessary as that particular accused was in a position to look after himself and now these petitioners find themselves as accused in two separate First Information Reports.

7. Taking into consideration all these facts particularly about the registration of two separate First Information Reports and it is alleged that the respondent had intentionally filed two separate First Information Reports, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:



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8. 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 No.III, Tiruppur on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties 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 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 shall report before the respondent daily at 10.30 a.m., until further orders.

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

[d] the petitioners shall not tamper with evidence or witness 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



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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.

29.01.2024

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