



Crl.O.P.No.29174 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/Accused No.1 to 8, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 132, 324(3) and 351(3) of BNS, 2023 and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.611 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 27.09.2024, the petitioners, who are the Ward Councillors, have gathered around the Commissioner gheored him and created a ruckus during the Councillors' Meeting. Hence, the case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are the elected representatives of Mettupalayam Municipality. Since the de facto complainant attempted to pass an illegal resolution, the petitioners raised their voices in a democratic manner, and a false complaint has been lodged. He would further submit that there are no previous cases pending against the petitioners. Hence, he prayed for



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the grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, would submit that during the meeting at Mettupalayam Municipality, the petitioners created a ruckus and there are no previous cases pending against the petitioners.

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

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side that there are no previous cases pending as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on



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bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate, Mettupalayam*, on condition that the petitioners 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 conditions 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the Petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, as and when required for 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;



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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 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]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 BNS.

25.11.2024

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