



Crl.O.P.Nos.27818 & 28911 of 2023

Crl.O.P.Nos.27818 & 28911 of 2023

WEB COPY

C.V.KARTHIKEYAN, J.

A2 has filed Crl.O.P.No.28911 of 2023 and A3 has filed 27818 of 2023, both in Crime No.494 of 2023 registered the Deputy Superintendent of Police, Thiruvarur Sub Division at Thiruvarur under Sections 147, 148, 294(b), 324 and 506(ii) of IPC.

2. One point which had been repeatedly stressed by the learned counsel for the petitioner is that A3/petitioner in Crl.O.P.No.27818 of 2023 is an Advocate. The other petitioner/A2 who accordingly to learned counsel is a driver and daily wage worker.

3. I must place regret at this representation to differentiate the co-accused. Let me make it clear that A3 still has the brand of accused before this Court. The Advocate/accused appears to have gone over from Chennai to Thiruvarur and committed the offences of which he is alleged to tear down a memorial flex board of the Former Secretary of a person, according to him, who has views contrary to that he has. Not only did the accused pull down the flex board but he also encouraged the other accused to pick up stones and hit



CrI.O.P.Nos.27818 & 28911 of 2023

the defacto complainant, who suffered injuries in his nose and body. Other accused had been granted relief of either bail or anticipatory bail.

4. It is stated that the petitioner is practising as an Advocate at Salem.

5. Taking all the other factors into consideration 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, Tiruvarur**, 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



Crl.O.P.Nos.27818 & 28911 of 2023

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/A3 in Crl.O.P.No.27818 of 2023 shall stay at Kanyakumari District and report before the Nesamoni Nagar Police Station, Palace Road, Nagercoil, everyday at 10.30 a.m., until further orders and the petitioner/A2 in Crl.O.P.No.28911 of 2023 shall stay at Karur District and report before the B-1 Town Police Station, Karur District everyday at 10.30 a.m., until further orders.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be



CrI.O.P.Nos.27818 & 28911 of 2023

WEB COPY

registered under Section 229A IPC.

19.02.2024

rjr



WEB COPY



Crl.O.P.Nos.27818 & 28911 of 2023

C.V.KARTHIKEYAN, J.

rjr

Crl.O.P.Nos.27818 & 28911 of 2023

19.02.2024