

CRL.O.P.No.11683 of 2016

S.VAIDYANATHAN, J.

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 4 of TNWH Act in connection with Crime No.not known of 2016, the petitioner has come forward with this petition seeking anticipatory bail.

2. The petitioner and the defacto complainant are neighbours. The case of the prosecution is that the petitioner abused the defacto complainant in filthy language over cell phone.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any such offence and the defacto complainant has given a false complaint against the petitioner. He further submitted that the two cell phone numbers mentioned by the defacto complainant in the complaint do not belong to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that investigation is pending in this case and hence opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of this case and considering the fact that the petitioner disowns the phone numbers mentioned in the complaint, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate

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VRC

No.1, Poonamalee on his executing 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 and on further condition that :

[a] The respondent police is directed to ascertain as to whom the cell number mentioned in the complaint belong to and whether the person who is holding that cell phone is any way connected with the petitioner herein.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioner 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 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]**.

14.06.2016

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