



CRL.O.P.No.20428 of 2021

Crl.O.P.No.20428 of 2021

WEB CO **M.DHANDAPANI, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence u/s. 448, 294(b), 385, 506(i) of IPC, in Crime No.2725 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant running a cement shop. It is alleged that the petitioner demanded Rs.10,000/- from the defacto complainant. The defacto complainant refused to give the amount. The petitioner abused the defacto complainant in filthy language. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to their rights, are ready to deposit the amount of



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Rs.10,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.10,000/- will be returned to them. Hence, they pray for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that there is no previous case pending as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact and circumstances of the case, this Court is 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the ***X Metropolitan Magistrate, Egmore Court, Chennai-8***, on condition that each of the



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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 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 petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.2725 of 2021 before ***X Metropolitan Magistrate, Egmore Court, Chennai-8***, within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.10,000/- deposited by the petitioner to the credit of Crime No.2725 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the



respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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When the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that the allegation against the petitioner is that he demanded an amount of Rs.10,000/- from the defacto complainant and thereafter, the defacto complainant refused to give the amount for which this Court has inadvertently imposed a condition to deposit a sum of Rs.10,000/- to the credit of Crime No.2725 of 2021 before X Metropolitan Magistrate, Egmore Court, Chennai-8. He further submits by claiming that no amount has been transferred from the defacto complainant to the petitioner. Accordingly, the petitioner filed this modification petition to incorporate the conditions imposed by this Court.

3. Being satisfied with the above submissions made by the learned counsel, paragraph 6(a) is deleted and paragraph 3 in Crl.O.P.No.20428 dated 02.11.2021 is substituted by the following paragraph:

“3. The learned counsel appearing for the petitioner would submit that the petitioner have not committed any offence as



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alleged by the prosecution and that they have been falsely implicated in this case. Hence, they pray for grant of anticipatory bail to the petitioner”.

4. Registry is directed to carry out the necessary correction in the order dated 02.11.2021 and issue a fresh copy of the order to the learned counsel for the parties and all other conditions remain unaltered.

24.11.2021

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