



Crl.O.P.No.16492 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 & 506(I) of IPC in Crime No.143 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is in default of payment for three loads of fish received by the petitioner to the tune of Rs.26,75,280/-. While being so, the defacto complainant detained a vehicle bearing registration No.KA 20 C 9329 and made a call to the petitioner from the driver's mobile. At the time of asking for reimbursements of the goods received by the petitioner, the petitioner threatened the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.16492 of 2022

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4. The learned Additional Public Prosecutor would submit that on the date of occurrence, while refusing to repay the money, the petitioner also threatened the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Though it is a business transaction between the petitioner and the defacto complainant, the petitioner used to procure fishes from the retailers and failed to pay the said amount. Even according to the petitioner, there is a due to the tune of more than Rs.1,50,000/-. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.143 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be



Crl.O.P.No.16492 of 2022

released on bail in the event of arrest or on his appearance, before the learned District Munsif cum Judicial Magistrate at Tharangambadi on condition that the 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.143 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

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

[e] the petitioner shall not tamper with evidence or witness either



Crl.O.P.No.16492 of 2022

during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

15.07.2022

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Crl.O.P.No.16492 of 2022



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CrI.O.P.No.16492 of 2022

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