



Crl.O.P.No. 17160 of 2022

WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 420, 506(2) of IPC in Crime No.95 of 2022, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the defacto complainant has given a sum of Rs.4 lakhs to the petitioners, when the same was demanded back, he along with his mother threatened her and also criminally intimidated her. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally two accused, in which the petitioners are arrayed as A1 and A2. A1 is the son of A2 and A2 is the mother of A1. Both the



petitioners are running unauthorised chit and received money from the victims. Based on the false promise, the defacto complainant has given a sum of Rs.4 lakhs to the petitioners, when the same was demanded back, he along with his mother threatened her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that the transaction between the petitioners and the defacto complainant in the year 2019. In fact, the 1st petitioner already filed a petition not to harass under the guise of enquiry. The complaint lodged by the defacto complainant, in which an enquiry was conducted. Now, the FIR has been registered as such, the petitioner apprehends arrest at the hands of the respondent police.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 is made ready, before



the learned Judicial Magistrate No.I, Mettur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 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 1st petitioner shall report before the respondent police daily at 10.30 for a period of four weeks and thereafter as and when required for interrogation and the 2nd petitioner shall report before the respondent police 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.

[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



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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 registered under Section 229A IPC.

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