



Crl.O.P.No.17140 of 2022

Crl.O.P.No.17140 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 380, 294(b) and 506(i) of IPC, in Crime No.140 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioners are relatives. The defacto complainant was running a business. Due to his illness, the defacto complainant requested the first petitioner to look after his business. Later, the first petitioner herein had taken a sum of Rs.38,000/- which was kept inside the drawer. When the same was questioned by the defacto complainant, he was abused by the petitioners in filthy language and they told him to get out of the shop. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are the 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.



Crl.O.P.No.17140 of 2022

WEB COPY

4. The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant are relatives. The petitioners had taken away the amount from the shop of the defacto complainant and the when the same was questioned by the defacto complainant, he was abused by the petitioners and told him to get out of the shop. There is also a suit pending between the parties. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 learned Judicial Magistrate No.5, Coimbatore, on condition that each of the petitioners 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



CrI.O.P.No.17140 of 2022

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 first petitioner alone 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. The second 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

G.K.ILANTHIRAIYAN, J.

mn



Crl.O.P.No.17140 of 2022

WEB COPY

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

22.07.2022

mn

Crl.O.P.No.17140 of 2022