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Crl.M.P.No.13189 of 2022 in Crl.O.P.No.13591 of 2022

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G.K.ILANTHIRAIYAN, J.

This petition has been filed to cancel the bail granted to the second respondent in Crl.O.P.No.13591 of 2022 dated 13.06.2022 by this Hon'ble Court.

2. Heard both sides.

3. The petitioner is the defacto complainant. The defacto complainant lodged a complaint and the same has been registered in Crime No.48 of 2021 for the offences under Sections 406 and 420 of IPC as against three accused persons, in which the second respondent is arrayed as A3. In pursuant to the registration of FIR, the petitioner was arrested and remanded to judicial custody on 12.05.2022. This Court granted bail to the second respondent herein in Crl.O.P.No.13591 of 2022 dated 13.06.2022.



4. While granting bail to the second respondent herein, this Court

imposed the following conditions,

“6. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned CCB/CBCID Metropolitan Magistrate Court at Egmore on further conditions that:

[a] 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 report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

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

[d] the petitioner shall not tamper with evidence or witness 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]**.*

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



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5. The second respondent herein also duly complied with the conditions imposed by this Court and thereafter, this Court also relaxed the conditions imposed by this Court.

6. The learned counsel for the petitioner would submit that after releasing the second respondent on bail, the petitioner received an anonymous letter, thereby threatened the petitioner to withdraw the complaint. Therefore, the petitioner lodged a complaint and he was issued CSR in C.S.R.No.97 of 2022 dated 29.06.2022 and it is pending on the file of the Inspector of Police, Selvapuram Police Station, Coimbatore. Further, the second respondent is attempting to tamper the witness.

7. Though the petitioner raised these grounds, there is no proof to show that the second respondent threatened the petitioner to withdraw the complaint, since it is an anonymous letter. Further, there is no evidence to show that the second respondent attempted to tamper the witness. Therefore, this Court finds no grounds to cancel the bail granted to the second respondent herein. However, the first respondent is directed to complete the investigation and file a final report, within a period of twelve weeks from the



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date of receipt of a copy of this order.

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8. Accordingly, this Criminal Miscellaneous Petition is dismissed.

21.09.2022

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