



Crl.OP.No.17989 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 294(b), 506(2), 406 and 420 IPC in Crime No.627 of 2021 on the file of the respondent police, seek anticipatory bail.

2. There are totally three accused in this case, in which the petitioners are arrayed as A2 and A3. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that he had carried out business of selling ground nuts with shell to accused/A1 for the past six years. In the said business, the accused/A1 was yet to pay a sum of Rs.1,05,00,000/- to the defacto complainant, for which he issued a cheque to the defacto complainant for a sum of Rs.70,00,000 and the same was bounced due to insufficient balance. When the same was questioned by the defacto complainant, the petitioners abused him in filthy language and threatened him with dire consequences.



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3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that first accused had business transaction with the defacto complainant. Even according to the defacto complainant, a part of the total sum was repaid and the remaining amount of Rs.70,00,000/- has yet to be paid by the accused. When the same was questioned by the defacto complainant, the petitioners threatened him with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of this case and considering the business transaction between the accused persons and the defacto complainant, even that the petitioners are none other than the wife and daughter of A1, this Court finds that the custodial interrogation of the petitioners need not require. Hence, this Court is inclined to grant



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anticipatory bail to the petitioners subject to the following conditions:-

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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 II, Chinnasalem on condition that the petitioners shall execute a 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 petitioners shall appear before the respondent police as and when required for interrogation.

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[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]**.

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

10.08.2022

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