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Crl.M.P.No.15170 of 2022

Crl.M.P.No.15170 of 2022
in
Crl.O.P.No.13416 of 2022

G.K.ILANTHIRAIYAN, J.

This Criminal Miscellaneous Petition has been filed by the petitioner/defacto complainant to cancel the anticipatory bail granted to the 1st and 2nd respondent herein in Crl.O.P.No.13416 of 2022 dated 10.06.2022.

2. The respondents 1 and 2 apprehend arrest at the hands of the third respondent in Crime No.262 of 2022 for the offence under Section 294(b), 323, 324, 447, 506(i) of IPC. Therefore, they approached this Court for anticipatory bail and this Court granted anticipatory bail to the 1st and 2nd respondents herein 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.



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[b] the petitioner 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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."

3. As directed by this Court, within a period of two weeks they surrendered before the concerned Magistrate and duly complied with the condition imposed on them. However, they again indulged in the same kind of activities and as such, the petitioner filed a complaint. The petitioner was issued CSR No.750 of 2022 by the third respondent and it is pending for enquiry.



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4. The learned counsel appearing for the respondents 1 and 2 submitted that there is a civil dispute between the parties and the civil suit is pending and as such, a false case has been foisted as against the respondents 1 and 2. There is no occurrence had alleged in the said complaint.

5. Considering the facts and circumstances of the case, the respondents 1 and 2 are directed to appear before the third respondent for further period of two weeks daily at 10.30 a.m., in Crime No.262 of 2022 and co-operate for interrogation. That apart, the third respondent is directed to register the FIR on the complaint in CSR No.750 of 2022 as against the accused persons, if any cognizable offence is made out.

6. With the above direction, this Criminal Miscellaneous Petition is disposed of.

24.11.2022

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