



Crl.O.P.No.23181 of 2022

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WEB C **T.V.THAMILSELVI,J**

The petitioner who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 354, 354(A), 509 and 506(i) of IPC in Crime No.08 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was working in the petitioner's parlour in the name and fame of Naturals at Valasarawalkkam branch as Sivam Enterprises. In May 2019, the original partner/owner Mr.Yuvaraj had some issues and due to the same, the store was added with new partner one Mr.Anandraj/A1. Further, on that period, the defacto complainant have been working as Store Manager and got a sum of Rs.17,000/- per month as salary, whereas the defacto complainant have left the job in the month of June due to non payment of salary for three months. In July 2019, the defacto complainant went to the office of Anandaraj/A1 for asking the pending salary. At that time, he misbehaved with her and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner/A2 has not committed any offence as alleged by the prosecution. He would further submit that A1 only misbehaved with the defacto complainant and also threatened her, but as per the FIR, the petitioner also threatened the defacto complainant and hence, he has been falsely implicated in this case. In fact, he is not aware of the allegations as alleged in the FIR. He would further submit that A1 has already been enlarged on bail by the trial Court in Crl.M.P.No.56 of 2022. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (crl.side) appearing for the respondent would submit that the investigation is still pending and the final report has not yet been filed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.As per the First Information Report, the defacto complainant came to the parlour and demanded the pending salary, one month after resigning her job. When she demanded her salary, A1's friend namely, the petitioner herein had also threatened her. Hence, the petitioner has been implicated as A2.

6.Considering the facts and circumstances of the case and also of the fact that the co-accused in this case has already been enlarged on bail and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned XXIII Metropolitan Magistrate, Saidapet**, 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.



Crl.O.P.No.23181 of 2022

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[b] the petitioner shall report before the trial Court on every Wednesday at 10.30 a.m., for a period of eight weeks and thereafter, on the date fixed by the trial Court.

[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.

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