



CrI.O.P.No.23548 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 195A, 147, 448 and 506(ii) IPC, in Crime No.407 of 2022, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons had earlier murdered the defacto complainant's younger brother. In respect of which, trial is being conducted in S.C.No.305 of 2015 on the file of the learned II Additional District and Sessions Judge, Salem. On 21.06.2022, the defacto complainant, who had been examined as prime eye witness deposed against the accused in the trial. Antagonised by the same, the accused persons threatened the defacto complainant on 10.07.2022. Hence the complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has



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been given against him. He would further submit that it is true that the petitioner is an accused and facing trial in S.C.No.305 of 2015 and the defacto complainant has not spoken anything about the involvement of the petitioner. While so, there is no need or necessity for the petitioner to threaten him. He would further submit that only in order to cancel the bail granted to the petitioner, a false complaint has been given. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner along with other accused are facing trial in S.C.No.305 of 2015, pending on the file of the learned II Additional District and Sessions Judge, Salem. He would further submit that the defacto complainant is the brother of the deceased and he has deposed against the petitioners and other accused on 21.06.2022 and antagonised by the same, the petitioner along with other accused had intimidated the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. At this juncture, the learned counsel for the petitioner would submit that the deposition of the PW1/defacto complainant is available before the Court and he has not spoken anything as against the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the entire materials available on record.

7. Taking into consideration the facts and submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

8. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the District Munsif Court -cum- Judicial Magistrate, Vazhapadi, Salem District, 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



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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.

[b] the petitioner shall report before the learned II Additional District and Sessions Judge, Salem, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the day fixed by the learned II Additional District and Sessions Judge, Salem.

[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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

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