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CrI.O.P.No.24358 of 2022

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SATHI KUMAR SUKUMARA KURUP, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences under Sec.406, 420, 294(b), 506(ii) of I.P.C. in Crime No.904 of 2022 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.09.2022, when the defacto complainant approached the petitioner at his office viz., Nava India at Sumptuous Business Centre to clear the outstanding amount, he said to have threatened and abused him. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that there were business transaction between Nava India and Akshara Spinning Mills, the petitioner company requested to submit statement of accounts for the transaction done through various



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invoices. However, instead of giving the statement of account, the defacto complainant lodged the present false complaint as if the petitioner abused and attacked him. He would also submit that the CCTV footage of Nava India would show that petitioner was not present in the office on the alleged date. Hence, he is no way connected with the alleged occurrence and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent submitted that at the time of filing petition, only CSR. Number is assigned and subsequently, the F.I.R. was registered in Crime No.904 of 2022 on 04.10.2022 for an offence under Sec.406, 420, 294(b) and 506(ii) I.P.C. He would submit that the defacto complainant wanted to get his outstanding amount and there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the above fact and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners, and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Judicial Magistrate No.II, Coimbatore, 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 sureties shall affix their photographs
and Left Thumb Impression in the surety bond and the



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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 10.00 a.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 abscond, a fresh FIR



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can be registered under Section 229A IPC.

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