



Crl.O.P.No.26432 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 447, 341, 379, 417 and 506(i) of IPC in Crime No.168 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Maniyammal is that her son-in-law Chandrasekar had borrowed money from several persons and from the accused also, he has borrowed an amount of Rs.2 lakhs. While so on 14.03.2021, he passed away. The accused had compelled the defacto complainant to execute a pro-note of her deceased son-in-law and threatened her and obtained a signature in the blank pro note and also taken the original documents from her house. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and the case of money dispute has been



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projected as a case of extortion. He would submit that the defacto complainant and her son-in-law had joined together and borrowed money from the petitioner. He would submit that based on the pro-note given by the defacto complainant, the petitioner has filed a suit in O.S.No.821 of 2022. He would submit that the petitioner has not taken any property documents as alleged by the defacto complainant and the petitioner has also filed an affidavit before this Court stating that he has not taken any blank signed documents from the defacto complaint and he will not claim any right in respect of the properties belonging to the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the defacto complainant's son-in-law had borrowed money from the petitioner and he passed away on 14.03.2021 and thereafter, the accused entered into the house of the defacto complainant, threatened her and taken away her signatures in the blank pro-notes and also taken the original title deeds from her house. He would further submit that there is no previous



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case pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and also taking into consideration the sworn affidavit filed by the petitioner, he has not taken any property documents from the defacto complainant, 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 Judicial Magistrate No.II, Kallakurichi** on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five



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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.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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]**.



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

8.This Criminal Original Petition is ordered and the affidavit of undertaking filed by the petitioner shall form part of the order.

18.11.2022

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