



CrI.O.P.No.27637 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 420 and 506(ii) of IPC in Crime No. 491 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioners were running a partnership business. On 10.08.2022, the defaco complainant lodged a complaint stating that the petitioners have cheated him. Further allegation is that the petitioners are said to have threatened and intimidated the defacto complainant while settlement. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners and defacto complainant were doing partnership business. He would further submit that the defacto complainant has resigned from the partnership and executed the



settlement agreement, wherein he has agreed to withdraw from the partnership and also received a sum of Rs.2,75,000/- as final settlement.

Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that while dispute between the defacto complainant and the petitioners with regard to settlement, the petitioners have threatened and intimidated the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif-Cum-Judicial Magistrate, Kurinjipadi** on



condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30am., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs.**



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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.

14.11.2022

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