



Crl.O.P.No.29252 of 2022

Crl.O.P.No.29252 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 354 and 506(1) of IPC in Crime No.388 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Rekha is that she is working as a nurse in a private hospital for the past 18 years. Further allegation is that the accused had brought one person and had compelled the Doctor to give a medical certificate. When the Doctor had refused to give the medical certificate, the petitioner had abused and assaulted the *de-facto* complainant and also had attempted to outrage her modesty. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a social activist. He would submit that the complaint has been given by the petitioner against the Doctor for running a clinic in an encroached land and the said Doctor had instigated the *de-facto*



Crl.O.P.No.29252 of 2022

complainant/nurse working under him to give a false complaint. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had brought one person to a private hospital where the *de-facto* complainant is working as nurse and had compelled the Doctor to give a medical certificate. When the Doctor had refused to give the medical certificate, the petitioner had abused and assaulted the *de-facto* complainant and also had attempted to outrage her modesty. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, 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



Crl.O.P.No.29252 of 2022

from the date on which the order copy made ready, before the **learned Judicial Magistrate Paramathi, Namakkal District**, on condition that the petitioner shall execute a 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 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.



WEB COPY



Crl.O.P.No.29252 of 2022

A.D.JAGADISH CHANDIRA, J.
mpl

[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.

28.11.2022

mpl

Crl.O.P.No.29252 of 2022