

CRL.O.P.No.30582 of 2022WEB COPY **T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 448, 294(b), 352, 506(i), 384, 420, 120(B) of IPC in Cr.No.374 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with two others threatened the defacto complainant that his son who is a Doctor gave wrong treatment to one Balasundari and that she died and demanded money. The defacto complainant on fear gave Rs.2,50,000/- to the petitioner and later he came to know that the said Balasundari is alive. Hence, the case.

3.The learned counsel appearing for the petitioner submits that he is no way connected with the alleged occurrence and he has been falsely implicated in this case. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit some amount to the credit of the crime number as



imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the petitioner threatened the defacto complainant stating that due to wrong treatment by his son given to one Balasundari she had died and demanded money and received a sum of Rs.2,50,000/-. But the said Balasundari is alive. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioner on his own volition, is ready to deposit some amount to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.374 of 2022, within a period of fifteen (15) days and on such deposit, the petitioner is ordered to be released on bail in the event of



arrest or on his appearance, before the **learned Judicial Magistrate,**

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**Tiruthuraipoondi** 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 and on further condition that:

(a) the petitioner is directed to deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** to the credit of Crime No.374 of 2022 before the concerned Magistrate within a period of fifteen (15) days and the defacto complainant is permitted to withdraw the said deposit amount of Rs.30,000/- on proper identification and acknowledgment;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner is directed to appear before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during



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investigation or trial;

(f) 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 anticipatory 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

**16.12.2022**

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