

Crl.O.P.No.32533 of 2022

WEB COPY **A.A.NAKKIRAN J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120-B,385 and 506(ii) subsequently altered to 120-B,387 and 506(ii) of of IPC in Crime.No.8 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has constructed a hospital and the petitioner and other accused threatened the defacto complainant that he has constructed the hospital in violation of the building rules and extorted the money from him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a innocent and he has not committed any such offence as alleged by the prosecution and 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) would submit that the petitioner claiming to be a social activist had demanded and extorted the money from the de-facto complainant alleging that the defacto complainant had constructed the building in violation of the building rules. He would also submit that this Court has granted bail to the co-accused in Crl.O.P.No.26426 of 2022 vide order dated 04.11.2022 and five witness were examined in this case. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and **this Court has granted bail to the co-accused in Crl.O.P.No.26426 of 2022 vide order dated 04.11.2022 and also considering the fact 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.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.8 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 No.II, Attur** 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.10,000/- (Rupees Ten Thousand only)** to the credit of Crime No.8of 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.10,000/- 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 every Wednesday 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 investigation or trial;



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(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.

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