

Crl.O.P.No.2525 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 109,195A,506(1) of I.P.C in Cr.No.4 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner who is a practising advocate threatened the defacto complainant not to give evidence in favour of the prosecution to the case in Crime No.113 of 2014 in S.C.No.233 of 2016. Hence the respondent police registered the case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a innocent person and he has been falsely implicated in this case. He further submits that the petitioner had a general discussion with the defacto complainant with regard to the case and that apart he has not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner being a practising advocate indulged in the act of threatening the defacto complainant not to let in evidence in a case. Hence, he opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and the submissions and the fact that the petitioner only had a general discussion with the defacto complainant with regard to the case and that apart he has not committed any offence as alleged by the prosecution, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **District Munisif cum Judicial Magistrate, Valappady, Salem District** 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 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 Court concerned 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 as and when required for interrogation.

(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 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;

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

07.02.2023

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