

CrI.O.P.No.4120 of 2023

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Section 364 A, 506(ii) of IPC in Cr.No.Not Known of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant were doing Hair business and the defacto complainant was running the Proprietary concern in the name of HARIRAM Enterprises. There was a dispute with regard to business transaction between the petitioner and the defacto complainant. When the defacto questioned about the same, the petitioner threatened him with dire consequences and kidnapped the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. In fact, the defacto complainant has to pay a sum of Rs.74,00,000/- to the petitioner. To escape from liability, the defacto complainant submitted a false complaint against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned counsel for the Intervenor raised objection, stating that the defacto complainant has settled all the amounts. But, now the petitioner caused interference and took away the articles which worth about Rs.7,00,000/-. Hence, he prays to dismiss the petition.

5. The learned Government Advocate (Crl.Side) submitted that the FIR has been registered against the petitioner in Crime No.51 of 2023. He further submitted that the petitioner and the defacto complainant were engaged in a business regarding hair. In which, the petitioner had misappropriated a sum of Rs.70,00,000/-. Hence, he opposed for grant of anticipatory bail to the petitioner.

6.Heard, learned counsel for the petitioner, learned counsel appearing on behalf of the Intervenor and learned Government Advocate (Crl.Side) appearing for the respondent.

7. Considering the fact that there is a business transaction regarding hair transport, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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8. 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 learned *Judicial Magistrate Thiruporur*, 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 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 every Wednesday at 10.30 a.m. for a period of six weeks and thereafter, 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;



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(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.

28.02.2023

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To
The Judicial Magistrate
Thiruporur.

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