



Crl.O.P.No.4245 of 2023

T.V.THAMILSELVI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 436 of IPC in Crime No.698 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner herein set the door of the de-facto complainant's house on fire, abused the de-facto complainant using filthy language and threatened him with dire consequences. Hence this complaint.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and she is in no way connected with the alleged offence. He would further submit that, due to previous enmity, the de-facto complainant had lodged this false complaint against the petitioner in order to wreck vengeance. Hence, hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the de-facto complainant and the petitioner are landlord and tenant and it is alleged by the de-facto



complainant that, due to previous enmity, the petitioner had set the door of the de-facto complainant's house on fire. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the fact that the petitioner on her own volition, is ready to deposit an amount of Rs.5,000/- 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.5,000/- (Rupees Five Thousand only) to the credit of Crime No.698 of 2022, within a period of fifteen days from the date on which the order copy is made ready 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 Court, Thiruvottiyur** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)**, with two sureties(one must be a blood surety) 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:



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[a] the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of Crime No.698 of 2022 before the concerned Magistrate within a period of fifteen days from the date on which the order copy is made ready and the de-facto complainant is permitted to withdraw the said deposit amount of Rs.5,000/- 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent Police on every Tuesday at 10.30 a.m., for a period of four weeks.

[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.

[f] On breach of any of the aforesaid



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conditions, the learned Magistrate/Trial Court is

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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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

02.03.2023

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