



Crl.O.P.No.5941 of 2023

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**A.D.JAGADISH CHANDIRA.J.**

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 387 and 506(ii) of IPC, in Crime No.133 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a Doctor in Government Hospital, Valapaddy and he is having one boy child namely Sri Nikesh and one girl child namely Sri Laya. It is alleged that on 02.03.2023, the defacto complainant went to hospital for duty at about 7.15 a.m., and on the same day at about 4.00 p.m., four unknown persons came to his apartment and entered into an quarrel with the watchman of the apartment stating that the son of the defacto complainant has sent abusive messages and tortured a girl belonging to their locality and they also showed nude photos of defacto complainant's son and threatened that it would be uploaded in the social media and demanded money. Hence, the case.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He submitted that the facts remains that the defacto's son had sent



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abusive messages to several girls in the locality and since A1, A2 and the petitioner/A3 had questioned the same, the defacto complainant, who is a Doctor, using his influence has given a false complaint. He further submitted that A1 and A2 have been arrested and also enlarged on bail dated 10.03.2020. He further submitted that only in order to shield his son, a false complaint has been given by the defacto complainant. Hence, he prays to grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused had threatened the watchman of the defacto complainant stating that a case should be registered against the defacto complainant's son and they have also threatened that nude photographs of the defacto complainant's son would be uploaded in the social media. Therefore, he vehemently opposed to grant of bail to the petitioner.

5.Heard the learned Counsel appearing for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Considering the above facts and circumstances of the case, this



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Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the **Learned Judicial Magistrate No.II, Salem District**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 conditions that:

[a] 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.

**[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two 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 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]**.

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

16.03.2023

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