



Crl.O.P.No.6173 of 2023

A.D. JAGADISH CHANDIRA, J.,

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The petitioners, who apprehends arrest for the alleged offences under Sections 147, 148, 294(b), 448, 323, 324, 384 and 506(ii) of IPC in Crime No.41 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per Vijayakumar/defacto complainant is that he is a Government contractor and the first petitioner is the Panchayat Union Deputy President and there was dispute with regard to non-payment of 10% commission to the petitioners for awarding the contract. On 20.01.2023, the petitioners and the other accused trespassed into the house of the defacto complainant and obtained signatures in blank papers and promissory note and threatened him and his family members with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The first petitioner being the Panchayat Union Deputy President questioned the improper work carried out by the defacto complainant/Government Contractor, thereby the defacto complainant has given a false complaint against the petitioners and others as if they demanded commission. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The Government Advocate (Crl.side) would submit that the dispute is with regard to non-payment of 10% commission to the petitioners for awarding the contract, the petitioners and others threatened and attacked the defacto complainant with dire consequences. The injured is discharged from the hospital. Hence, he oppose for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.I, Ulundurpettai, on condition that the petitioners shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30am for a period of two weeks and thereafter on every Saturday at 10.30am until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

With the above directions, this Criminal Original Petition is ordered.

23.03.2023

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