



Crl.O.P.No.7394 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 384 and 506(ii) of IPC in Crime No.136 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant /Babu is that the accused had abused him in a filthy language and prevented him from discharging his duty as an advocate and also demanded an amount of Rs.10 lakhs from him. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given by the defacto complainant, who is a practicing Advocate in Ambur Bar. He would further submit the fact remains is that the defacto complainant is known to him and he has borrowed an amount of Rs.10 lakhs from the petitioner and when the petitioner had asked for refund of the amount, the defacto complainant had threatened him and since the defacto complainant is an



Crl.O.P.No.7394 of 2023

advocate, the petitioner has given a complaint to the District Collector, Thirupathur District on 13.03.2023 in respect of the refusal of the defacto complainant to pay the money and the threat wielded by him and only as a counter blast, a false complaint has been given by the defacto complainant, as if, the petitioner has threatened him. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioner had threatened the defacto complainant, who is an advocate and prevented him from discharging his duty and also demanded an amount of Rs.10 lakhs from him. He would further submit that there are two previous cases pending, out of which, one case has been registered for the offence under Section 130 Cr.P.C and another case has been registered for the offence under Section 323 IPC. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel for the intervenor would submit that the defacto complainant, who is a practicing advocate and the accused have



threatened him and prevented him from discharging his duty and also demanded an amount of Rs.10 lakhs from him. Hence, he opposed for grant of anticipatory bail to the petitioner.

6.Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record including the complaint dated 13.03.2023 given by the petitioner.

7. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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 made ready, before the learned Judicial Magistrate, Ambur, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the Inspector of Police, Thirupathur Town Police Station, daily at 10.30 a.m., until further orders;

[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 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]**;



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CrI.O.P.No.7394 of 2023

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

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17.04.2023

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Crl.O.P.No.7394 of 2023

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Crl.O.P.No.7394 of 2023

17.04.2023

(3/3)