



CrI.O.P.No.8007 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 447 and 506(i) of IPC in Crime No.41 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Loganathan is that he is an advocate and he was threatened by the petitioner with dire consequences over phone with regard to the previous complaint dated 10.02.2022, which is pending before the respondent police. While so, on 18.02.2022 at about 08.50 a.m., the petitioner trespassed into the defacto complainant's house and demanded a letter for withdrawal of the said complaint. Subsequently, when the defacto complainant refused for the same and recorded the entire incident in his mobile phone and on seeing that, the petitioner abused him with filthy language and snatched the cell phone from the defacto complainant. Hence the complaint.



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3. The learned counsel appearing for the petitioner would submit that the defacto complainant is an advocate and he is a tenant in the house of one Chanraiya and he has refused to pay the rent. When it was questioned by the petitioner, he has given a false complaint. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the defacto complainant is an advocate and he was threatened by the petitioner with dire consequences over phone with regard to the previous complaint dated 10.02.2022, which is pending before the respondent police. While so, on 18.02.2022 at about 08.50 am., the petitioner trespassed into the defacto complainant's house and demanded a letter for withdrawal of the said complaint. Subsequently, when the defacto complainant refused for the same and recorded the entire incident in his mobile phone and on seeing that, the petitioner abused him with filthy language and snatched the cell phone from the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant 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 made ready, before the learned **Judicial Magistrate, Ambattur**, 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 condition that:



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[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 three weeks and thereafter every Saturday 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];**

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

18.04.2023

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