



Crl.O.P.No.7879 of 2023

Crl.O.P.No.7879 of 2023

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) and 506(1) of IPC, in Crime No.102 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Jeevanandham is that the defacto complainant and the petitioner are relatives. There was a dispute between the petitioner and his brother namely Arulnidhi, over their family property. While so, on 31.03.2023, the petitioner called the defacto complainant from Mobile No.9841082222 and scolded him as if, the defacto complainant was supporting his brother Arulnidhi and abused him in filthy language and also threatened him with dire consequences. Hence, the case.

3. The learned counsel for the petitioner would submit that the there was a property dispute between the petitioner and his brother and that the petitioner had requested the defacto complainant not to interfere with their family dispute due to which, a false case has been foisted



Crl.O.P.No.7879 of 2023

WEB COPY

against the petitioner as if, he abused and threatened him. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that due to property dispute between the petitioner and his brother, the petitioner called the defacto complainant who is his relative, through mobile phone and abused him in filthy language for interfering with their family dispute and also threatened him with dire consequences. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.7879 of 2023

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, Thiruthuraipoondi**, 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 respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness



Crl.O.P.No.7879 of 2023

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.

13.04.2023

ksa-2



WEB COPY



Crl.O.P.No.7879 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.7879 of 2023

13.04.2023