



Crl.O.P.No.9219 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), 506(1) of IPC 1860 and Sections 8(c), 20(b)(ii)(A) of NDPS Act, 1985 in Crime No.77 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 09.04.2023 at about 07.30 p.m., the defacto complainant was on the way to Manakadu from his house and when he was going near Johnsonpet Bathroom, the petitioner and his friend who were standing with bike near the Johnsonpet Bathroom, had asked the defacto complainant as to whether he wants Ganja and when the defacto complainant refused the same, the petitioner and his friend threatened the defacto complainant with dire consequences. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is a college student, studying 1st year B.Com (Honours) at Jain University – School of Commerce at Jaya Nagar Branch at Bangalore. He would further submit that due to previous enmity, a false case has been foisted against the petitioner. He would further submit that there is no previous case pending against the petitioner. Hence, he prays for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner and his friend were intended to sell Ganja to the defacto complainant and since he has refused the same, they have threatened the defacto complainant with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case and also the submission of both sides, this 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 made ready, before the **learned Judicial Magistrate Court No.III, Salem District, Salem**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (**out of which, one surety should be either the father or mother of the petitioner**), 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.



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[b] the petitioner shall report before the respondent police everyday at 06.30 p.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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

05.06.2023

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