



CrI.O.P.No.10183 of 2023

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K.KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 294(b), 354, 406 & 506(1) of I.P.C in Crime No.407 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had made a false promise to the de-facto complainant viz., Mrs.A.Saranya that he would sell a land in her favour and received a sum of Rs.15,00,000/- from her. When the de-facto complainant asked the petitioner to return the money, the petitioner tried to misbehave with her and also, threatened that he would kill her if she discloses his misbehaviour to anyone. Thereafter, when the de-facto complainant went to the petitioner's office and asked the petitioner to return the money, he abetted the de-facto complainant to commit suicide. Hence, the de-facto complainant lodged a police complaint against the petitioner on 08.03.2023. Aggrieved over the same, the petitioner has filed the present petition.



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3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and the allegations made against him are nothing but concocted. The issue involved in the present case is purely a civil dispute between the petitioner and the de-facto complainant. He would further submit that subsequent to the complaint dated 08.03.2023, the petitioner filed a petition in Crl.O.P.No.7076 of 2023 before this Court, seeking to direct the respondent herein not to harass him without due process of law and this Court vide its order dated 30.03.2023, disposed of the said petition by observing as follows:

“7. In order to meet such situations, the following guidelines are issued:

(a) While summoning any person named in the complaint or any witness to the incident complained of, the police officer shall summon such person through a summon/notice, specifying a particular date and time for appearing before them for such an enquiry/investigation.

(b) The respondent/Police is directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant.

(c) The minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station.

(d) The police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation.



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(e) The guidelines stipulated for preliminary enquiry or registration of FIR by the Hon'ble Supreme Court in Lalita Kumari Vs. Government of Uttar Pradesh and Others [2014 (2) SCC (1)] shall be strictly adhered to.

(f) If any cognizable offence is committed, then it is open to the respondent police to take appropriate action or else they should not interfere with the civil dispute between the parties.

8. With the above directions, this Criminal Original Petition is disposed of."

Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that whenever the de-facto complainant asked the petitioner to return the money, the petitioner behaved in a very harsh and indisciplined manner towards her. So, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. 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 is made ready, before the learned Principal District Judge, Tiruppur, 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 conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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, weekly twice i.e., on Tuesday and Thursday at 10.30 a.m & 5.30 p.m until further orders.

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



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[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 the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***(2005) AIR SCW 5560***.

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

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