



CrI.O.P.No.10499 of 2023

CrI.O.P.No.10499 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 342, 365, 392 and 397 of IPC, in Crime No. 1362 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is in-charge of one service apartment. On 11.12.2021, one Sivakumar and Raja came to the apartment and booked Room Nos.203 and they demanded for another room on 12.12.2021 in order to stay for two ladies and the same was allotted to them. While so, on 15.12.2021, at about 5.00 p.m, the petitioner along with other accused persons enquired about Sivakumar, when he refused to give the information about him, the accused assaulted the defacto complainant by sickle and also taken a sum of Rs.21,000/- and two cell phones from him. Further allegation is that, the two ladies had also taken CCTV Box, laptop and other documents from the apartment. Hence, the case.



Crl.O.P.No.10499 of 2023

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that the defacto complainant was involved in running a brothel by engaging two ladies in the apartment and when the petitioner has questioned the same, a false complaint has been given against him. Subsequently, on the false complaint, the petitioner was arrested by the very same respondent in Crime No.160 of 2023 and when he was in prison, the respondent have not taken any steps to show formal arrest of the petitioner in the present case and when the petitioner has gone to comply with the condition, the respondent have threatened that he would be arrested and thereby the present petition has been filed. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused persons assaulted the defacto complainant by sickle and also taken a sum of Rs.21,000/- and two cell phones from him. He further submitted that the two ladies have been secured and the accused have also taken CCTV Box, laptop and other documents



Crl.O.P.No.10499 of 2023

from the apartment. He further submitted that the petitioner was arrested and released on bail in Crime no.160 of 2023. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made on 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.II, Coimbatore**, 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:



Crl.O.P.No.10499 of 2023

WEB COPY

[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 twice everyday at 10.30 a.m. and 5.30 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 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.

05.06.2023

drl



WEB COPY



Crl.O.P.No.10499 of 2023

A.D.JAGADISH CHANDIRA,J.

drl

Crl.O.P.No.10499 of 2023

05.06.2023