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Crl.O.P.No.13246 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(2) and 328 IPC and Section 22(a) of COTPA Act, 2003, in Crime No.364 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.05.2023, the defacto complainant along with his friend one Ranjith had bought Hans packets from the accused one Pandidurai and consumed the same after which, the defacto complainant had giddiness and vomiting. Hence, suspecting that the Hans might have expired, the defacto complainant along with his friend informed the said Pandidurai about the same. Aggrieved by the same, the said Pandidurai abused them in filthy language and also criminally intimidated them. Hence the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He would further submit that the name of the petitioner is not found place in the FIR and that two cases have been registered against the petitioner in two days gap. However, he would submit that without prejudice, the petitioner is prepared to deposit a substantial amount to any welfare scheme of the Government and he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently opposed to grant anticipatory bail to the petitioner stating that subsequent to the complaint given by the defacto complainant, the tobacco products worth about Rs.1,50,000/- was recovered from the accused. He would further submit that the main accused has been detained under Act 14 of 1982.

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



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6. Taking into consideration the voluntary submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to deposit an amount of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of "The Dean/Medical Officer, Government District Head Quarters Hospital, Tiruppur"**, without prejudice to his rights and contentions before the trial Court, to enable the Dean/Medical Officer to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

7. Merely, because the petitioner has deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open for the trial Court to deal with the case independently.

8. Taking into consideration the facts and circumstances of the case, the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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9. Accordingly, the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only) directly to "The Dean/Medical Officer, Government District Head Quarters Hospital, Tiruppur"** and on such deposit and on receipt of proof of payment, 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-2, 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 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 daily 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.

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