



Crl.O.P.No.13571 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), 323, 354, 447 and 506(i) of IPC, in Crime No.259 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused who were staff in the finance company had threatened and abused him in filthy language and also attacked him for not repaying the loan amount. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given. He would further submit that the defacto complainant is a chronic defaulter and he had asked the petitioner to come to his house on the assurance of giving money and later he had given a false complaint. He further



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submit that the first and third accused have been granted anticipatory bail in Crl.MP.No.1640 of 2023 on 06.06.2023 before the Principal District Sessions Judge. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the accused who is the employee of the financial institution and for non-repayment of loan, he had abused and assaulted the defacto complainant. He further submit that the investigation is still pending. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 made ready, before the **learned**



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Judicial Magistrate, Chengam on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** **with two sureties** 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 every day at 10.30 a.m., for a period of three weeks and thereafter on every Saturday 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 petitioners in accordance



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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]***; and;

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

20.06.2023

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