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Crl.O.P.No.15822 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Section 109, 195 A and 506 (1) of I.P.C. in Crime No.04 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.It is the submission of learned counsel for the petitioner that petitioner is falsely implicated as accused in Crime No.04 of 2023 for the offences under Section 109, 195 A and 506 (1) of I.P.C. Petitioner is innocent. Apprehending arrest, this petition is filed seeking anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that petitioner and one Rajamanickam are accused in Cr.No.04 of 2023 registered for the offences under Section 109, 195 A and 506 (1) of I.P.C by the Vaazhapadi Police Station and the case was coming up for



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hearing. At the instigation of accused Rajamanickam and Napoleon in Cr.No.113 of 2014, accused Balaji had threatened the defacto-complainant through phone and in person, not to give evidence against the petitioner. On 28.12.2022, accused Balaji also offered Rs.10,000/- to the defacto-complainant. When that was refused by the defacto-complainant, he made death threat. It is informed that third accused was granted anticipatory bail. First accused was arrested and released on station bail.

4.Considered the submissions and perused the records.

5.In the circumstances said about and in view of the fact that though First Information Report was registered on 03.01.2023, respondent Police has not taken any steps in arresting the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, 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 District Magistrate cum Munsif**



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Court, Valappady, 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.

[b] the petitioner shall report before the respondent police everyday morning at 10.30 a.m. and evening at 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



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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].

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

24.07.2023

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