



Crl.O.P.No.16523 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Anand Kumar and Abubakar Siddique, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 384 and 506(i) of IPC in Crime No.116 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in this case. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, on 05.05.2022, accused Abubakar posing himself as reporter had collected a sum of Rs.1,500/- from the defacto complainant stating that, he received complaint against him alleging selling of banned tobacco products. Again on 11.05.2022, accused Anandhan had made similar threat and collected a sum of Rs. 2,000/- from the defacto complainant. Not only that, accused collected Rs.500/- from Faruk Basha and they had also threatened one Shabik Malik stating that, they received complainant against them for selling tobacco products. He



Crl.O.P.No.16523 of 2023

further submitted that, accused are absconding and the investigation is pending.

4. It is seen that, FIR was registered on 11.05.2022. Despite the allegations made in the FIR that, from 05.05.2022 to 11.05.2022, accused said to have received money from defacto complainant and others alleging that, they received complaint against them for selling tobacco products, respondent police have not taken sincere steps for arresting the petitioner for more than one year. In the said circumstances, to take the case forward, this Court is inclined to grant anticipatory bail to the petitioners for the reason that, custodial interrogation of the petitioners is now not necessary in this case.

5. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Vaniyambadi** on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction



CrI.O.P.No.16523 of 2023

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 petitioners 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 petitioners shall report before the respondent police twice daily at 10.30.a.m., and 05.30.p.m., until further orders;

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

[d] the petitioners 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 with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial



Crl.O.P.No.16523 of 2023

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.

28.07.2023

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Crl.O.P.No.16523 of 2023

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Crl.O.P.No.16523 of 2023

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