



Crl.O.P.No.17190 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 506(i) of IPC, in Crime No.305 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution the defacto complainant, who is a real estate agent, is that one M.S.Company has purchased a land to an extent of 2.51 acres with the help of the defacto complainant, for which, A1 called him and abused him and gave life threat to him. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is no way connected with the offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that one M.S.Company has purchased a land to an extent of 2.51 acres with the help of the defacto complainant, for which, A1 called him and abused him and gave life threat to him. He would further submit that there is no previous case pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Considering the submissions made by the learned counsel on either side, the petitioner is a practicing Advocate and the defacto complainant is a real estate broker, who is said to have involved in selling 2.51 acres of land for one M.S.Company, for which, the petitioner is said to have raised some objections and subsequently settled the issue. The further allegation is that on the same evening, the petitioner has criminally intimidated the defacto complainant.



Crl.O.P.No.17190 of 2023

WEB COPY

7. Taking note of the fact that the petitioner, who is arrayed as A1, is a practicing Advocate and certain allegations have been made against the defacto complainant being supported by the Police officials, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on him appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sriperambudur**, 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



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CrI.O.P.No.17190 of 2023

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 at 10.30 a.m., for a period of two weeks;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

07.08.2023

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Crl.O.P.No.17190 of 2023

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Crl.O.P.No.17190 of 2023

07.08.2023