



Crl.O.P.No.18633 of 2023

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WEB CRI. RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 294(b) and 506 (i) of IPC in Crime No.1636 of 2021 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Defacto Complainant is one of the investors in Rahath Transports, Thanjavur. After the demise of Kamaludeen, who is the Managing Director of Rahath Transports, when the Defacto Complainant demanded the money, which was invested in Rahath Transports, the legal heirs of Kamaludeen, refused to do same, instead the driver of Kamaludeen, who is the Petitioner herein contacted the Defacto Complainant and threatened him with dire consequences. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner has never threatened or intimated the Defacto Complainant in any manner as alleged by the prosecution. For the simple reason that the Petitioner was working under Late.Kamaludeen, this case was falsely foisted against him. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent



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would submit that the Petitioner is the driver of Late.Kamaludeen. There is some money transaction between the Defacto Complainant and Late.Kamaludeen. He is vehemently opposed to grant anticipatory bail to the Petitioner.

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

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the nature and gravity of the alleged offence, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

7.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 Judicial Magistrate, Thiruthuraipoondi, Thanjavur** on condition that the Petitioner shall execute a separate 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



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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, on everyday at 10.30 am for a period of three weeks and thereafter as and when required;

[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 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.

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