



Crl.O.P.No.28323 of 2022

and

Crl.M.P.No.17896 of 2022

RMT.TEEKAA RAMAN, J.

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The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b) and 506(i) of I.P.C, in Crime No.209 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that earlier at the instance of the petitioner's brother the de-facto complainant filed application before the Executive Magistrate cum Sub-Collector, Thirupathur, Vellore District under Maintenance and Welfare of Parents and Senior Citizens Act 2007. The Executive Officer ordered criminal prosecution under Section 24 of the Act against the petitioner and F.I.R was registered in F.I.R.No.98 of 2019 dated 13.04.2019. Thereafter, the petitioner abused the de-facto complainant in abusing language and gave life threat. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Further, he submits that the proceedings of the Executive Magistrate was set aside by this Court in W.P.No.19948 of 2019 by an



order dated 26.11.2021. Hence, he prayed for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner abused the de-facto complainant in abusing language and gave life threat. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and the learned counsel for the intervenor and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner.

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-I, Thirupathur**, 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:



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[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 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 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.

[g] Consequently, connected Crl.M.P is closed.

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