

CrI.O.P.No.25334 of 2023**C.V.KARTHIKEYAN, J.**

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The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 341, 385 and 506(II) of I.P.C, in Crime No.366 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the Director in a Company and the petitioner was doing projects. In the course of such business transaction, it is alleged that a payment was due by the petitioner for a sum of Rs.7 lakhs. But however the main allegation in the complaint is that the petitioner had called over the brother of the de-facto complainant to come to Cafe Day ECR shop to settle the dues and then threatened him and obtained documents. Hence, the case.

3. The learned counsel for the petitioner has filed an affidavit in which he had stated as follows:-

"3. I humbly submit before this Hon'ble Court except the said letter nothing available or in possession with petitioner and there is no such signed empty paper as alleged by said Mr.Kishore and now the petitioner undertake to hand over the said letter before the Respondent herein that



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Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.366 of 2023 on the file of the learned District Munsif Cum Judicial Magistrate,Tiruporur, failing which, the anticipatory bail shall stand dismissed, 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 District Munsif Cum Judicial Magistrate,Tiruporur,** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 is directed to deposit a sum of



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Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.366 of 2023 on the file of the learned District Munsif Cum Judicial Magistrate,Tiruporur, failing which, the anticipatory bail shall stand dismissed.

[c] The learned Munsif Cum Judicial Magistrate,Tiruporur, may deposit the amount of Rs.1,00,000/- in a Fixed Deposit earning interest and on conclusion of the trial, if the petitioner is acquitted may return back the said amount together with accrued interest to the petitioner. But however if the petitioner is convicted of the offence, then it should be handed over to the de-facto complainant herein together with interest.

[d] the petitioner shall report before the respondent Police on everyday at 10.30a.m., until further orders;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.



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[g] 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]**.

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

22.11.2023

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