



Crl.O.P.No.31831 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 323, 342, 364, 364(A), 506(ii) of IPC and Sections 4 & 5 of Prohibition Exorbitant Interest Act 2003 in Crime No.642 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioner along with other accused had joined together gave life threat to the husband of the defacto complainant. While so on 13.10.2022 at about 11.30 a.m., the petitioner's henchmen were illegally kidnapped and detained the husband of the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and that a case of financial dispute has been falsely projected as a case of cheating. He would further submit that there was a money dispute between the petitioner and the defacto



Crl.O.P.No.31831 of 2022

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complainant and only to avoid repayment of amount, a false complaint has been given against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to money dispute, the petitioner along with other accused had joined together gave life threat to the husband of the defacto complainant. While so on 13.10.2022 at about 11.30 a.m., the petitioner's henchmen were illegally kidnapped and detained the husband of the defacto complainant. He would further submit that there is no previous case pending against him. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and the



Crl.O.P.No.31831 of 2022

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submissions made by the learned counsel and also of the fact that there is no previous case pending against him, 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 No.II, Salem, 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 and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner should not cause any



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Crl.O.P.No.31831 of 2022

disturbance by illegal means to the family of the defacto complainant and if any real transaction between them, he advise to approach the civil forum.

(c) the petitioner shall report before the respondent police station on every Wednesday at 10.30 a.m., for a period of three months;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f) 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]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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Crl.O.P.No.31831 of 2022

T.V.THAMILSELVI, J.

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Crl.O.P.No.31831 of 2022



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CrI.O.P.No.31831 of 2022

03.01.2023