



Crl.O.P.No.26829 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 294 (b), 403 and 506 (ii) IPC, in Crime No.545 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) on behalf of the respondent.

3.It is stated by the learned Government Advocate (Crl.Side) appearing on behalf of the respondent that the defacto complainant had borrowed a sum of Rs.3,00,000/- from the petitioner herein and owing to such borrowal, there was a quarrel. It is stated that the petitioner had unlawfully taken away a cheque from the defacto complainant and presented it before the bank.

4.However, the learned counsel for the petitioner disputed that particular version of the respondent. That is an issue for trial. Taking into consideration the the facts and circumstances of the case, this Court is



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inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Kallakuruchi**, 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 shall report before the respondent Police, daily morning at 10.00 a.m. for a period of two weeks and thereafter as and when required.

[c] the petitioner shall not tamper with evidence



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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 absconds, a fresh FIR can be registered under Section 229A IPC;

27.11.2023

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