



Crl. O.P. No.21889 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused 1 & 2 who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 447 and 384 of IPC in connection with the Cr. No.50 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a Cottage at Ketty Panchayat and the 1st accused threatened the defacto complainant by demanding money and tortured him regularly due to the influence of the 2nd accused as a serving Ketti Panchayat Councilor. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons, that they have not involved in the commission of offences, that they have not committed any offence as alleged by the prosecution, that the petitioners are husband and wife, that in fact the defacto complainant has constructed illegal construction in front of the hotel, for which the 2nd petitioner, who is a serving councilor, has received complaints and based on which, her husband enquired the defacto complainant without visiting the spot, but the defacto complainant



Crl. O.P. No.21889 of 2024

suppressed the entire facts and has given false complaint against the petitioners and that they are ready to abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that these petitioners are A1 and A2, that A2, a serving councilor, along with A1 demanded money from the defacto complainant who is running a cottage and threatened him with dire consequences and hence he objected for the grant of anticipatory bail to the petitioners. Further he submitted that there is no previous case pending against the petitioners.

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

6. Considering the arguments putforth on either side, considering the nature of offences charged against the petitioners, considering the fact there is no previous case pending against these petitioners, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:



Crl. O.P. No.21889 of 2024

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Coonoor** on condition that the petitioners 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Saturday at 10.00 a.m. for a period of 4 weeks and thereafter as and when required for investigation.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned



Crl. O.P. No.21889 of 2024

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 petitioners 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 269 B.N.S.2023.

10.09.2024

mjs

To

- 1.The Judicial Magistrate, Coonoor
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Ketti Police Station, The Nilgiris District.

P.DHANABAL,J
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Crl. O.P. No.21889 of 2024

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