

Crl.O.P.No.11144 of 2016

B.GOKULDAS,J.,

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 341, 364 (A) and 506 (i) of IPC, in Crime No.207 of 2016 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have abducted the victim and robbed a sum of Rs.1,00,000/-, resulting in registration of the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that due to previous enmity, a false case has been foisted against them.

4. The learned Government Advocate would oppose the petition contending that the petitioners abducted the victim Shanmugam and also took away a sum of Rs.1,00,000/- from him. He would further submit that only a sum of Rs.15,000/- is recovered from the accused.

5. Heard the learned counsel on either side.

6. Taking into consideration the fact that the first petitioner/ first accused is the owner of the Tractor and also considering the gravity of the offence committed by him, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, insofar as the first petitioner/ first accused is concerned, this Criminal Original petition is dismissed.

7. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel on either side, this Court is inclined to grant

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anticipatory bail to the petitioners 2 to 7 alone. Accordingly, the petitioners 2 to 7 are ordered to be released on bail in the event of arrest or on their appearance, within a period of **fifteen (15) days** from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Panrutti, on condition that each of 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners 2 to 7 shall report before the respondent police daily at 10.30 a.m. till further orders;

[b] the petitioners 2 to 7 shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioners 2 to 7 shall not abscond either during investigation or trial;

[d] on breach of any of the aforesaid conditions, the learned 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 2 to 7 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]**.

25.05.2016

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