

Crl.O.P.No.14896 of 2016R.MALA,J.

The petitioners who are arrayed as A4, A9, A3, A8 and A6 out of 14 accused, apprehend arrest at the hands of the respondent police for the alleged offence punishable u/s.364[A] read with 397 IPC in Crime No.495/2015 on the file of the respondent police and hence, prays for anticipatory bail.

**2** The case of the prosecution is that one Thirunavukkarasu, lodged a complaint before the respondent police that on 02.11.2015 while he was travelling in a bus from Tiruchur along with his friend, carrying 1 Kg of Gold, the petitioners along with other accused, waylaid the bus at Madathukulam and abducted the complainant and his friend and committed the theft of the gold.

**3** The learned counsel for the petitioners would submit that the petitioners are arrayed as A4, A9, A3, A8 and A6 and that A1, A2 and A5 were arrested and subsequently, A5 was enlarged on bail. It is further submitted that the names of the petitioners does not find place in the FIR and they have been subsequently arrayed as accused. The learned counsel submits that the earlier application for

anticipatory bail was dismissed by this Court on 09.06.2016 and hence, he prays for anticipatory bail.

**4** Resisting the same, the learned Government Advocate [Crl.Side] would submit that the petitioners hail from the State of Kerala and they committed the heinous crime along with nine other accused. It is submitted that the stolen property is not yet fully recovered and hence, the personal interrogation of the petitioners is necessary. It is further submitted that this is the second anticipatory bail application of the petitioners and that there is no change in circumstances, pursuant to the dismissal of the earlier petition by this Court on 09.06.2016. Hence, he prays for dismissal of this petition.

**5** Considering the rival submissions made on either side and also perusing the typed set of papers, it is seen that the petitioners and other accused planned to commit the theft of gold of the defacto complainant and on smelling that the defacto complainant, viz., Thirunavukkarasu, was travelling in a bus carrying 1 Kg of gold along with his friend on 02.11.2015, they followed the bus, waylaid the same at Madathukulam; abducted the complainant and his friends along with the gold and thereafter, left the complainant and his friend. The defacto complainant has lodged a

complaint, on the basis of which a case came to be registered in Cr.No.495/2015. Only A1, A2 and A5 were arrested, out of which only A5 was enlarged on bail. According to the learned Government Advocate [Crl.side], the entire stolen property is yet to be recovered and that personal interrogation is necessary.

**6** Considering the gravity of the offence and that though their names do not find place in the FIR, it is not a ground for granting anticipatory bail. Since personal interrogation of the petitioners is necessary for recovery of the stolen property, I do not find any reason to grant anticipatory bail to the petitioners.

**7** Accordingly, the Criminal Original Petition is dismissed.

16.11.2016

AP

R.MALA, J.,

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