

Crl.O.P.No.10007 of 2019

N.ANAND VENKATESH,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 195A and 506(1) IPC, in Crime No.55 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 kidnapped the daughter of the defacto complainant and there is a case pending before the Court in S.C.No.31 of 2018 and it is at the stage of trial. While the case was pending, A1 is said to have again eloped with the victim girl. A2 is the father and A3 is the friend of A1. The present petitioner has been arrayed as A3.

3. The learned counsel appearing for the petitioner submitted that this petitioner has nothing to do with the alleged offence and he has been unnecessarily roped in as an accused.

4. The learned Government Advocate(Crl.Side) submitted that this petitioner was added as an accused since he aided A1 to again elopping with the victim girl.

5. Taking into consideration of the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Perambalur, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees five 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 said Magistrate, 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 as and when required, until further orders.

[c] the petitioner shall not tamper with evidence 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]*; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

15.04.2019

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