



Crl.O.P.No.15898 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 323, 324, 365 & 352 of IPC in Crime No.182 of 2022, seek anticipatory bail.

2. A complaint was filed by *de-facto* complainant/Lakshmi W/o Anandaraj against the petitioners along with 6 others. It is stated in the complaint that the petitioners along with others had kidnapped her husband by force after beating him with weapons and ill-treated her. For the offences stated above, the respondent police had registered a case on 02.07.2022.

3. The learned counsel for the petitioners would submit that husband of the *de-facto* complainant is running a company by name MY ROBO TRADERS situated at Sadharn Vihar, Maaweli High Way, East Kolkatta and the petitioners were introduced to the husband of the *de-*



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facto complainant and he had promised to give 3% interest for the deposits made to his company and also stated that he is doing export business with foreign countries. In view of his promise, the petitioners collected huge amount from their friends and deposited in his company. The 1st petitioner had deposited Rs.15,90,000/- and the 2nd petitioner had deposited Rs.10,35,000/-. Similarly, many persons deposited huge amount in his company and the husband of the *de-facto* complainant regularly paid the interest to the petitioners for a period of two weeks and thereafter, he defaulted in the payment of interest. Hence, the petitioners along with others who were not known to the petitioners went to the office of the *de-facto* complainant's husband at Tirruchengode. The *de-facto* complainant's husband stated that he has arranged loan by way of mortgaging his property and hence he asked the petitioners to come along with him to Cutralam and they stayed for two days and thereafter returned back to Tiruchengode. While being so, suddenly the *de-facto* complainant filed a complainant before the respondent police to escape from the liability of repaying the amount which was deposited by the petitioners and others. He further submitted that the petitioners are



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innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 No.I, Tiruchengode, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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:



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[a] the petitioners 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 petitioners shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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