



Crl.O.P.No. 17759 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 365 of IPC @ Section 147, 294(b), 341, 323, 365 and 506(i) of IPC in Crime No. 229 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that one Moorthy of NGO handover the house property for maintenance to the defacto complainant's father, after some time, there was an agreement between them, in which, the said Moorthy received a sum of Rs.11,00,000/- from the defacto complainant's father. As per agreement, the defacto complainant's father leased out the property to the petitioner after receiving a sum of Rs.5,00,000/-. After some time one Devaraj came to the property and informed to the petitioner that the property is nothing to do with Moorthy and asked the petitioner to vacate. Due to which, to get back the said amount, the petitioner along with other accused, had kidnapped the defacto complainant's father. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Therefore, he prays for grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused had kidnapped the defacto complainant's father and demanded a sum of Rs.13,00,000/-. He would further submit that on the very same day, the respondent police has secured the victim. The co-accused were arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also the victim has been secured, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days



from the date on which the order copy is made ready, before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed and 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 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 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]**.



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

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