



Crl.O.P.No.18535 of 2022

Crl.O.P.No.18535 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 366 of IPC in crime No.345 of 2022, seek anticipatory bail.

2. The case of the prosecution is that petitioner along with other accused persons kidnapped the *de-facto* complainant's daughter while she was returning from college. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged offence and the petitioners will abide any any condition imposed by this Court.. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that petitioners helped the A1 and kidnapped the defacto complainant's daughter. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.



Crl.O.P.No.18535 of 2022

WEB COPY

5. It is seen that there are totally three accused, in which the petitioners are arrayed as A2 and A3. The A1 and the victim girl fell in love. Thereafter, the parents of the victim girl refused to give their daughter to the petitioner for his marriage. Therefore, the A1 with the help of the petitioners kidnapped the victim girl. Thereafter, in the public, the car was waylaid and the victim girl was rescued. That apart, the A1 was arrested and remanded to judicial custody on 08.07.2022.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners shall file an undertaking affidavit before the learned Magistrate concerned undertaking not to indulge in any similar kind of activities in future and on such undertaking, the petitioners are ordered to be released on bail.

7. 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



Crl.O.P.No.18535 of 2022

WEB COPY

from the date on which the order copy made ready, before the Additional Mahila Court, Salem, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 file an undertaking affidavit before the learned Magistrate concerned undertaking not to indulge in any similar kind of activities in future, at time of execution of bond.

[d] the petitioners shall not abscond either during investigation



CrI.O.P.No.18535 of 2022

or trial.

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

[f] 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]**.

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

10.08.2022

ata

G.K.ILANTHIRAIYAN, J.



WEB COPY



Crl.O.P.No.18535 of 2022

ata

Crl.O.P.No.18535 of 2022

10.08.2022