



Crl.O.P.No.18921 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 363, 342, 506(1) of IPC in Crime No.417 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. Totally, there are five accused persons involved in this case in which, the petitioner has been arrayed as A5. The case of the prosecution is that the defacto complainant is running a textile business in Erode, for which, he borrowed a sum of Rs.59,00,000/- from A1 to A4. On 22.07.2022. the defacto complainant went to Rajapalayam to find a place for expanding his business, at that time, he received a phone call from A1 to A4, to meet in person near Rajapalayam bus Terminus, in order to recover the loan due. They also claimed to repay the amount immediately, by threatening him and as the defacto complainant denied to repay the loan



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amount, A1 to A4/accused persons with the help of the petitioner/A5 kidnapped the defacto complainant and demanded money and thereafter, he escaped from the custody and lodged a complaint against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that A1 to A4/accused persons with the help of the petitioner/A5 kidnapped the defacto complainant and demanded money for purchasing clothes from A1 to A4. That apart, co-accused/A1 to A4 were arrested and remanded to judicial custody.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the



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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 made ready, before the ***learned Judicial Magistrate, Omalur, Salem*** 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 twice 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



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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]**.

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

11.08.2022

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