



Crl.O.P.No.24517 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section Man Missing - Non Act @ 364(A) of IPC in Crime No.139 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Mrs. Mahalakshmi is that her husband Dhamodaran was working in Aarudhura Gold Finance and that the accused had kidnapped her husband and had demanded a ransom of Rs.1 Crore. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that the *de-facto* complainant's husband was working in Aarudhura Gold Finance and he has collected deposits from several persons and cheated them. Other than the petitioner being one of the victims seeking for return of their deposits, he



Crl.O.P.No.24517 of 2022

has not committed any offence as alleged by the prosecution and seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with other accused had kidnapped the husband of the *de-facto* complainant and demanded a ransom of Rs.1 Crore. He would further submit that the victim has been secured and A2 & A3 in this case has been arrested and enlarged on bail. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, 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 made ready, before the **Judicial Magistrate Court, Gudiyatham**, on condition that the petitioner shall



CrI.O.P.No.24517 of 2022

execute a bond for a sum of Rs.25,000/- (Rupees Twenty 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 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 everyday at 10.30 a.m., 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.



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Crl.O.P.No.24517 of 2022

A.D.JAGADISH CHANDIRA, J.
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[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.

12.10.2022

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Crl.O.P.No.24517 of 2022