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Crl.O.P.No.25928 of 2022

A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 364A, 342, 352 and 506(ii) of IPC in Crime No.453 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, due to money dispute, the petitioner along with other accused kidnapped the defacto complainant and demanded a ransom of Rs.25 lakhs. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is the victim and believing the defacto complainant's word, A1 had given an amount of Rs.25 lakhs to one Raheem and thereafter, the said Raheem had cheated A1. He would further submit that, in order to evade payment, he has given a false complaint as if the petitioner along with other accused have kidnapped the defacto complainant and demanded ransom of Rs.25 lakhs from him. He would further submit

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that, even as per the FIR, the defacto complainant has stated that after threatening him, he was dropped by the accused and the entire allegations are false in nature. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that, in respect of money dispute, petitioner along with other accused have kidnapped the defacto complainant and demanded a ransom of Rs.25 lakhs He would further submit that co-accused had been enlarged on bail. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also considering that the victim has been secured and co-accused had been enlarged on bail, this Court is inclined to grant anticipatory bail 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 **learned Judicial Magistrate, No.I, kallakurichi,** on condition that the petitioner

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shall 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 twice daily at 10.30.a.m., and 05.30.p.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.

[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.

17.11.2022

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