



Crl.O.P.No.25908 of 2022

Crl.O.P.No.25908 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 Nusairul Karim is that he had introduced A1 to one Raheem and thereby, A1 has given a sum of Rs.25 lakhs to the said Raheem and later, the said Raheem has not repaid the amount. Thereby, the accused had kidnapped the defacto complainant and demanded ransom of Rs.25 lakhs. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the victim and believing the defacto complainant, A1 has given an amount of Rs.25 lakhs to one Raheem and thereafter, the said Raheem had cheated A1. He would submit that the petitioner along with other accused have demanded money from the defacto complainant and



Crl.O.P.No.25908 of 2022

WEB COPY

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 submit 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 prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that in respect of money dispute, the petitioner along with other accused have kidnapped the defacto complainant and one Ashik and demanded ransom of Rs.25 laksh from them and also threatened them. He would further submit that the victim have been secured and there is no previous case pending as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent



CrI.O.P.No.25908 of 2022

Police and perused the entire materials available on record including the First Information Report.

6. Taking note of the facts and circumstances and the submissions made by the learned counsel and also of the fact that the victim have been secured, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 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 :



CrI.O.P.No.25908 of 2022

[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 every day at 10.30 a.m and 5.30 p.m., until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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]*; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

04.11.2022

vkf

Page 4 of 5



WEB COPY



Crl.O.P.No.25908 of 2022

A.D.JAGADISH CHANDIRA.J.

vkf

Crl.O.P.No.25908 of 2022

04.11.2022