



Crl.O.P.No.25959 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 offence punishable under Sections 448, 364A, 323, 324, 294(b) and 506(ii) of IPC in Crime No.356 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused trespassed into the house of the de-facto complainant/Ashwin, kidnapped him and had assaulted him with iron rod and by taking obscene video of the de-facto complainant, demanded a ransom of Rs.5 lakhs. Thereafter, the accused have collected the laptop and purse of the de-facto complainant by intimidating his brother. Then they have also kidnapped the de-facto complainant's friend Basker and by assaulting, taken his obscene videos and demanded a ransom of Rs.5 lakhs. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this



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case. He further submitted that based on the complaint given by the petitioner's daughter a case in Crime No.25 of 2021 has been registered for the offence under Sections 376, 354(c), 506(ii) of IPC r/w Section 67 of IT Act against the de-facto complainant and his friend Basker and the present case has been registered only as a counter blast. He would further submit that the co-accused in this case have already been granted anticipatory bail by this Court in Crl.O.P.No.23144 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that it is a case and a case in counter. He would submit that as far as this case is concerned, the petitioner along with other accused kidnapped the defacto complainant and his friend Basker and had assaulted them with iron rod and by taking obscene video of them and demanded a ransom of Rs.5 lakhs. Thereafter, the accused have also collected the laptop and purse of the de-facto complainant by intimidating his brother. He would further submit that based on the complainant given by A6, a case in Crime No.25 of 2021 has been registered for the offence under Sections 376, 354(c),



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506(ii) of IPC r/w Section 67 of IT Act against the de-facto complainant.

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Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that it is a case and a case in counter, 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 learned Judicial Magistrate, Tambaram 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:



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[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 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;

[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;

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