



Crl.O.P.No.28918 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 Sections 147, 148, 341, 342, 294(b), 323, 506(ii) & 364(A) of IPC in Crime No.406 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is running a mobile sales and service shop and on 21.09.2022, when the sales man was returning to hand over the keys to the defacto complainant after closing the shop, the petitioner along with other accused kidnapped him and taken him to a secluded place and demanded the defacto complainant a ransom of Rs.20,000/-. Hence the complaint.

3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail before this Court and the earlier application for anticipatory bail has been dismissed on the ground that the arrested accused are still in custody and the investigation is at the



Crl.O.P.No.28918 of 2022

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initial stage. He would submit that A1 and A2 have been detained under Act 14 and the similarly placed co-accused in this case have been enlarged bail by the learned Principal District and Sessions Judge, Thiruvallur in Crl.M.P.Nos.4101 and 4268 of 2022 vide orders dated 19.10.2022 and 20.10.2022 respectively. He would also submit that since he happens to be the friend of the main accused, he has been included in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner along with other accused kidnapped the sales man working in the defacto complainant's shop and demanded the defacto complainant a ransom of Rs.20,000/-. He would also submit that there are three previous cases pending against the petitioner. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent and perused the



CrI.O.P.No.28918 of 2022

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entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned Counsel for the petitioner, 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, Thiruvallur 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:

[a] the petitioner and the sureties shall affix



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CrI.O.P.No.28918 of 2022

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 and 5.30 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]**;

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

24.11.2022



Crl.O.P.No.28918 of 2022

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