



Crl.O.P.No.29297 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 365, 366, 383, 340 r/w 34 of IPC in Crime No.462 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Rajeshwari is that her husband had gone along with four unknown persons and he did not come back and thereafter, she has given a complaint before the respondent Police. Based on the complaint given by the defacto complainant, a case in Crime No.462 of 2022 has been registered and later, it was found that on account of financial dispute, the accused had kidnapped the husband of the defacto complainant and demanded Rs.2,50,000/- from him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there was a money dispute between



the petitioners and the defacto complainant and only to avoid repayment of amount, a false complaint has been given against them. He would submit that the husband of the defacto complainant had cheated the petitioners to the tune of Rs.24 lakhs in the share business and when the petitioners have demanded the money back, he has agreed to claim from 3rd parties and given it to the petitioners. Believing that, the petitioners have taken the husband of the defacto complainant in a car, whereas, he has given a false complaint that the petitioners have kidnapped him. He would also submit that they are ready to abide by any stringent condition that may be imposed by this Court. However, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that on account of money dispute, the petitioners had kidnapped the husband of the defacto complainant and demanded Rs.2,50,000/- from him. He would further submit that there is no previous case pending against them. Hence, he opposed for grant of anticipatory bail to the petitioners.



5.Taking into consideration that the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sathyamangalam, Erode District** on condition that each of the petitioners 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 petitioners 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.



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[b] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

29.11.2022

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