

Crl.O.P.No.31484 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offence under Sections 364(A), 342 and 324 of IPC in Cr.No.374 of 2022 on the file of the respondent police, seek anticipatory bail.

2.Totally there were six accused in this case and only the name of the four accused were found in the F.I.R. The petitioners herein arrayed as A1 and A2. The case of the prosecution is that there was a money dispute between the father of the defacto complainant and some third parties, due to which the father of the defacto complainant was kidnapped by the petitioners and other accused and they demanded a sum of Rs.70,00,000/- from the defacto complainant and his mother. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate appearing for the respondent would submit that the petitioners indulged in the act of kidnapping the father of the defacto complainant and one Anibha due to the money dispute between them. Hence, he oppose to grant anticipatory bail to the petitioners.

5.Taking into consideration the facts and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II at Bhavani** on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police everyday at 10:30 a.m for a period of two months and on every Saturday for a period of three weeks.

(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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

22.12.2022

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