



Crl.O.P.No.32553 of 2022

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A.A.NAKKIRAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent Police for the alleged offences punishable under Sections 147, 148, 294(b), 342, 364, 394 and 506(ii) of IPC, in Crime No.764 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that there was money dispute between one Madhuraj and accused Karthik. Madhuraj is owner of ATM production entered into a movie distribution release of picture SHO acted by comedy actory Yohibabu and there was an arrear of distribution payment pending from Madhuraj side for a sum of Rs.1 crore and there was a dispute from the year of 2021. The defacto complainant is working as Manager under Madhuraj. On 01.12.2022, the first accused has deputed two advocates namely Vinoth and Nagaraj who were arraigned as 2nd and 3rd accused and they have illegally entered into the office of Madhuraj and abducted the defacto complainant and one Benzer, abused and assaulted them by causing injury. Further, it is alleged that they have obtained a sum of Rs.70,000/- from the defacto complainant. Hence, the complaint.

3. The learned counsel for the Petitioner submitted that the allegation



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against the petitioner is that he along with the two other accused A2 and A3 threatened the defacto complainant and his colleague and demanded a sum of Rs.50,000/- and Rs.20,000/- respectively. He further submits that he works as a manager in the company of the first accused and he neither assaulted nor abused the defacto complainant and that he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) submitted that totally, there are 11 accused and the petitioner herein is arrayed as A10. He further submits that A1 was granted anticipatory bail in Crl.OP.No.31424 of 2022 on 21.12.2022, A2 was arrested and released on bail by this Hon'ble Court on 22.12.2022 in Crl.OP.No.31630 of 2022, A3 and A8 were arrested and released before the Sessions Court, A7 and A9 were arrested and they were still in custody, A4, A5, A6 and A11 were still absconding. He further submits that if he is released on bail, he would tamper the witnesses and hamper the investigation. He further submits that the petitioner has no previous case against him. Hence, he vehemently opposed to grant anticipatory bail to the Petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner has not having any bad antecedents, and the co-accused A1,



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A2, A3 and A8 were released on bail and the other accused A7 and A9 were arrested and still in custody, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions.

6. Accordingly, the Petitioner is ordered to be released on bail in the event of arrest by the Respondent Police or the Police Officer, who intends to arrest or on the Petitioner surrenders before the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai, within a period of fifteen days from the date of receipt of a copy of this order, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum/amount to the satisfaction of the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond. The Police Officer who intends to arrest or the learned Judicial Magistrate before whom the Petitioner surrenders and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card,

or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.



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(b) the Petitioner shall report before the Respondent Police daily at 10.30 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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



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28.12.2022

A.A.NAKKIRAN, J.

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