



Crl.O.P.No.1303 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 149, 294(b), 323, 343, 364A, 387 and 506(ii) of IPC, in Crime No.4 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant, who is the real estate business is that he was kept in illegal custody by the accused and by threatening and coercion him, a sum of Rs.2,00,000/-, jewels and car were taken from him and also a sum of Rs.5,50,000/- from his friend and also received promissory notes. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of one Sarath. He further submitted that there was a business transaction between the de-facto complainant and the said Sarath and there seems to be a dispute between them and the petitioner is no way connected with the alleged offence. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed



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by this Court . Hence, he prays for grant of anticipatory bail to the petitioner.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the accused have kidnapped the de-facto complainant and his friend and by coercion them, taken away the cash and other valuable items including 40 sovereigns of gold. He further submitted that the car and 20 sovereigns of gold were recovered from the accused. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioner is ready to deposit a sum of Rs.1,00,000/- to the credit of crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

7. Taking into consideration the facts and circumstances of the case



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and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the petitioner is volunteered to pay a sum of Rs.1,00,000/- to the credit of the Crime Number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on interim anticipatory 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, Uthagamandalam**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (out of which, one should be the blood surety, who should produce document to show his/her means), 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 stands dismissed and on further condition that:

[a] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) each to the credit of Crime No.4 of 2023 before the learned



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Judicial Magistrate, Uthagamandalam, within a period of three weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

[b] 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;

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two months and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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



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in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

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

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