



Crl.O.P.No.3256 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offence under Sections 147, 148, 364A of IPC @ 147, 148, 364A, 324 of IPC in Cr.No.695 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was working as a driver in Zion catering company, while things being so, on 10.08.2020, the owner of the said company called him and gave a mobile number stating that a person would call from that number and they will give money but the defacto complainant called that number firstly they did not attend the call and later they received the call and asked to come near Rogini Theatre, subsequently they took the defacto complainant to a burial ground in a car and asked him to demand Rs.2 lakhs from his owner and later the defacto complainant was let out through his defacto complainant's owner son. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the



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petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner was granted anticipatory bail in Crl.MP.No.8677 of 2020 dated 11.09.2020, imposing condition to furnish sureties, but he was unable to furnish sureties within the stipulated time and in the mean time the respondent police filed charge sheet before the V Metropolitan Magistrate, Chennai. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) for the respondent would submit that the petitioner herein kidnapped the driver and demanded Rs.2 lakhs from his owner where the defacto complainant was working. He further submits that charge sheet has also been filed. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

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



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6. Accordingly, the petitioner is ordered to be released on 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 V Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties (out of which one surety must be a blood related surety), 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 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 petitioner shall report before the Trial Court on all weeks days at 10.30 a.m., for a period of two months;**

(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;



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(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]***; and;

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

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