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Crl.O.P.No.4897 of 2023

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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 294(b), 323, 324, 365, 395, 397 IPC in Crime No.790 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Thajeethin is that on account of dispute regarding running of a lodge, the main accused Mervin and Bharath along with seven other accused have assaulted him and set fire on him and thereafter, had taken a gold bracelet, gold chain, diamond stud and cash of Rs.5,00,000/- from him. Later, they taken him to Vathalakundu and admitted him in the hospital and escaped from the scene of occurrence. Hence, the complaint.

3. The learned counsel appearing 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 the names of the



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petitioners do not find the place in the FIR and he would also submit that the fact remains that there was a dispute between the defacto complainant and named accused A1 and A2 with regard to running of lodge and thereby a false complaint has been given. He would further submit that A2, against whom, there are specific allegations and whose name is also implicated in the FIR has been granted anticipatory bail by this Court in Crl.O.P.No.30945 of 2022 dated 16.12.2022. A1 and A2 have been arrested and released on bail by this Court by its order dated 06.01.2023 in Crl.O.P.No.139 of 2023. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are associates of A1 and A2. They have along with other accused kidnapped the defacto complainant assaulted him and set fire on him and also taken the jewels and Rs.5,00,000/- from him. He would submit that the amounts are yet to be recovered and they have been implicated based on the confession of co-accused. Hence, he vehemently opposed to grant anticipatory bail to the



petitioners.

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5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (CrI.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also the fact that co-accused have been granted bail and anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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-II, Coimbatore**, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to



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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.

[b] the petitioners shall report before the respondent police everyday 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



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registered under Section 229A IPC.

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