



Crl.O.P.No.10473 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 341, 342, 364(A) and 506(ii) IPC, in Crime No.271 of 2023, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant went to the shop, the petitioners along with other accused had kidnapped him and demanded a sum of Rs.1,00,000/- for which, the defacto complainant had paid a sum of Rs.14,000/-. Further, the petitioners abused him in filthy language and attacked him with hands and also threatened with dire consequences. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them for statistical purpose. Hence, he prayed for grant of anticipatory bail to the petitioners.



Crl.O.P.No.10473 of 2023

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners kidnapped the defacto complainant and demanded a sum of Rs.1,00,000/-. Since he refused to pay, the accused persons had taken Rs.14,000/- from the defacto complainant. He would further submit that the money was not recovered from the accused persons. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***Judicial Magistrate Court-II, Poonamallee***, on



Crl.O.P.No.10473 of 2023

condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners are directed to deposit a sum of **Rs.14,000/-(rupees fourteen thousand only)** to the credit of Crime No.271 of 2023 within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the defacto complainant is permitted to withdraw the above said amount by filing an undertaking affidavit before the concerned Magistrate.

(c) the petitioners shall report before the respondent police once in a week at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;



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Crl.O.P.No.10473 of 2023

V.LAKSHMINARAYANAN, J.,

nti/nr

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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;

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

24.05.2023

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Crl.O.P.No.10473 of 2023