



Crl.O.P.No.15462 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 342, 384, 326 and 506(2) of IPC, in Crime No.275 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Sikkandhar Raja is that he had conducted an on-line trading, and there was a dispute between him and one Mohanraj, and the persons related to Mohanraj have threatened the defacto complainant and he through his Advocate informed him that he would settle the amount. While so, on 06.06.2023, the petitioner along with some unknown persons trespassed into the house of the defacto complainant, assaulted him and intimidated him and thereafter they have also kidnapped his wife and taken her to Manappuram Finance and under threat had made her to swipe credit card and taken away the cash of Rs.1,76,000/- and also threatened the family members. Hence, the complaint.



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3.The learned counsel for the petitioner submitted that this is the second application for anticipatory bail filed by the petitioner and the earlier application in Crl.O.P.No.13331 of 2023 was dismissed by this Court on 27.06.2023, since it was submitted by the prosecution that the arrested accused were in custody and the custodial interrogation of the petitioner was required. He further submitted that subsequent to that, the other accused have been enlarged on bail and an amount of Rs.1,76,000/- has been recovered from the other accused. He also submitted that the petitioner has no criminal background and hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent Police submitted that the petitioner, who is arrayed as A5 along with other accused kidnapped the wife of the defacto complainant and taken her to Manappuram Finance and under threat had made her to swipe credit card and taken away the cash of Rs.1,76,000/- and they have also threatened the family members of the defacto complainant. He further submitted that during the course of investigation, it came to light that there was a dispute



between the defacto complainant and the accused with regard to the online trading and from the other accused, an amount of Rs.1,76,000/- has been recovered. He also submitted that the arrested accused have been enlarged on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and that the arrested accused have been enlarged on bail and an amount of Rs.1,76,000/- has been recovered from the other accused, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on 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, Sriperumbudur, on condition that the petitioner shall execute a



bond for a sum of Rs.15,000/- (Rupees Fifteen 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, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 6.30 p.m., until further orders;

[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;

[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



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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 registered under Section 229A IPC;

17.07.2023

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