



Crl.O.P.No.22595 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 363, 392 of IPC in Crime No.333 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto/complainant/goat merchant had purchased goats from Maharastra and supplied to A1 and A2. The defacto-complainant had purchased goats for Rs.32,00,000/-. Knowing he has cash in hand, it is stated that the other Accused and the petitioner/Accused No.3 had taken the defacto-complainant in a car and kidnapped him and threatened him.

3. The learned counsel for the petitioner stated that the Accused No.1 and 2 were taken into custody and subsequently they were released on bail and a sum of Rs.12,80,000/- was recovered from them. He further stated that the case against the petitioner is that he participated by threatening the defacto-complainant and stated that it is the only allegation in the FIR against the petitioner herein. The learned counsel



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for the petitioner stated that the petitioner has been arrayed as A3 in this case and he falsely implicated in this case and he has not committed any offence as alleged by the respondent. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Criminal Side) stated that Accused No.1 and 2 had been taken into custody and subsequently released on bail and a sum of Rs.12,80,000/- was recovered from them. It is not the only allegation against the petitioner herein but also he participated by threatening the defacto-complainant and stated that it was only a suspicion. The FIR had been registered against the petitioner herein.

5. Taking into consideration fact of partial recovery from A1 and A2 and other accused persons were granted bail, this court is inclined to grant Anticipatory Bail to the petitioner/Accused No.3. The petitioner/Accused No.3 is directed to deposit a sum of Rs.1,00,000/- (Rupees only lakh only) to the credit of Cr.No.333 of 2023. Let the amount of Rs.1,00,000/- (Rupees only lakh only) be kept in court, after the completion of trial, if this petitioner is acquitted, he will entitled to



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take back the deposit amount, if the petitioner is convicted then the deposit amount will be handed over to the defacto-complainant.

6. 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 No.II, Hosur**, on condition that the petitioner shall execute a 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, 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 appear before the respondent police daily at 10.30 a.m., until further orders.



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[c] the petitioner is directed to deposit a sum of **Rs.1,00,000/- (Rupees one lakh only)** to the credit of **Cr.No.333 of 2023**. Let the amount of **Rs.1,00,000/- (Rupees only lakh only)** be kept in court. After completion of trial, if this petitioner is acquitted, he will entitled to take back the deposit amount, if the petitioner is convicted then the deposit amount will be handed over to the defacto-complainant.

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



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

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