



Crl.O.P.No.24017 of 2023

Crl.O.P.No.24017 of 2023

C.V.KARTHIKEYAN, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 341, 324, 506(2), 147, 365, 323 and 34 of I.P.C, in Crime No.496 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that one Ramu has mortgaged a Innova car bearing Registration No.TN 47 AK 0333 with him and obtained a sum of Rs.2,50,000/- from him. On 09.07.2023, the accused enquired about the said car and forcefully abducted the de-facto complainant in their car and when the de-facto complainant try to escape from the car, they have stabbed him with knife. Thereafter, the accused left the de-facto complainant at Salem and threatened him not to disclose about the same to the police. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.24017 of 2023

WEB COPY

4. The learned Government Advocate (Criminal Side) for the respondent submits that due to the dispute over the mortgaged property, the petitioner along with other accused have abducted the de-facto complainant and stabbed him with knife. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and the earlier anticipatory bail application of the petitioner was dismissed in Crl.O.P.No.17700 of 2023 by an order dated 09.08.2023. However, it is seen that there is a consequence change in circumstances namely the other accused already arrested and released on bail.

7. In view of those facts, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of



Crl.O.P.No.24017 of 2023

WEB COPY

fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Tiruppur**, on condition that the petitioner 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, 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, on everyday at 10.30 a.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.



CrI.O.P.No.24017 of 2023

WEB COPY

[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]**.

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

03.11.2023

nvi



WEB COPY



Crl.O.P.No.24017 of 2023

C.V.KARTHIKEYAN, J.

nvi

Crl.O.P.No.24017 of 2023

03.11.2023