



Crl.O.P.No.23703 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 341, 363, 323 and 506(ii) IPC in Crime No.349 of 2023, seek anticipatory bail.

2. The learned counsel for the petitioners stated that they are not ranked as accused in this case. He also stated that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

3. The case of the prosecution is that the defacto complainant had gone to Singapore for a job and later, when he was there one Mr.Nasim was introduced to him and asked the defacto complainant to transport gold paste to India. But however, the gold paste was transported by himself. When the defacto complainant came back, the accused persons asked about the gold paste and finding that it was not



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available with the defacto complainant, the accused persons had kidnapped him.

4. The learned counsel for the petitioner stated that the petitioners were only implicated in this case based on the confession made by the arrested accused.

5. The learned Government Advocate (Criminal Side) stated that all other arrested persons were granted bail.

6. In view of this particular fact, this Court is inclined to grant anticipatory bail to the petitioners herein with certain conditions. 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, Avinashi**, on 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



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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 appear before the respondent police daily 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



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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 registered under Section 229A IPC.

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