



Crl.OP.No.23783 of 2023

Crl.O.P.No.23783 of 2023

WEB COPY

C.V.KARTHIKEYAN.J,

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 392, 363, 506(ii) of IPC later altered to Sections 120(b), 147, 294(b), 364(a), 506(ii) & 392 of IPC, in Crime No.296 of 2023, seeks anticipatory bail.

2. It is the case of the prosecution that on 04.09.2023, the defacto complainant had stated that he had borrowed a sum of Rs.8,00,000/- from the 1st accused and since he was not able to repay the same, all the accused persons joined together and kidnapped the defacto complainant in a far away place in a car bearing Regn.No.TN-54-T-2131. However, quite fortunately there was no injury caused. In view of that particular complaint, the FIR in aforementioned crime number had been registered.

3. The learned counsel for the petitioners stated that due to money dispute between the petitioners and the defacto complainant a false case had been foisted against the petitioners. Hence, he prays for grant of



Crl.OP.No.23783 of 2023

anticipatory bail to the petitioners.

WEB COPY

4. It is stated by the learned Government Advocate (Crl. Side) for the respondent that there is no previous case pending as against the petitioners and no injury had been sustained by the defacto complainant.

5. Taking into consideration the fact that there is no previous case against the petitioners and it appears that it is a case of money borrowal and refusal to repay, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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 Judicial Magistrate No.I, Attur, Salem District, on condition that the petitioner shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to



Crl.OP.No.23783 of 2023

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 report 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



CrI.OP.No.23783 of 2023

petitioners in accordance with law as if the 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;

17.10.2023
(2/2)

ata

C.V.KARTHIKEYAN. J.

ata



WEB COPY



CrI.OP.No.23783 of 2023

CrI.O.P.No.23783 of 2023

17.10.2023

(2/2)