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Crl.O.P.No.24997 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.24997 of 2023

Surya

....Petitioner

Vs.

The State by,
The Inspector of Police,
Trichengode Rural Police Station,
Namakkal District.
(Crime No.279 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with Crime No.279
of 2023 on the file of the respondent Police.

For Petitioner : Mr.M.Dinesh

For Respondent : Mr.R.Kishore Kumar

Government Advocate (Crl.Side)



ORDER

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The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 323, 364A, 386 and 506(2) of I.P.C, in Crime No.279 of 2023 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

3. It is the case of the prosecution that A1 had demanded a sum of Rs.10,00,000/- from the de-facto complainant and when he refused all the accused joined together and took the de-facto complainant in a Car to various places and shown him a knife and finally dropped him in yet another place. They were able to get a sum of Rs.30,000/- from him. The learned counsel for the petitioner stated that there was a pre-existing money dispute between the accused and the de-facto complainant. Taking into consideration all the facts and the fact also that the de-facto complainant finally got home to lodge a complaint, I would grant bail to the petitioner.



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4. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

5. 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, Tiruchengode**, on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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.



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[b] the petitioner shall report before the respondent Police on everyday at 10.30a.m., for a period of three weeks and thereafter as and when required for interrogation;

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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C.V.KARTHIKEYAN, J.

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