



Crl.O.P.No.32313 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 364A, 365, 506(II) of IPC, in Crime No.42 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused kidnapped the defacto complainant for ransom and also received a sum of Rs.10,00,000/- from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case, based on the confession statement of the co-accused. He would further submit that co-accused in this case have been arrested and released on bail. He would further submit that the petitioner, in order show his bonafide, ready and willing



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to deposit a major portion of the amount. Hence, he prays to grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that there are totally 4 accused in this case in which the petitioner is arrayed as A4. The petitioner and along with other accused kidnapped the defacto complainant and committed dacoity to the tune of Rs.10,00,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner along with other accused kidnapped the defacto complainant for ransom and also received a sum of Rs.10,00,000/-. So far, A1 to A3 have been arrested and released on bail. However, only to a sum of Rs.50,000/- was recovered from the petitioner herein. Balance amount to a sum of Rs.9,50,000/- is yet to be recovered from the petitioner herein. Further, co-accused in this case have been arrested and released on bail and the petitioner, in order to show his bonafide, ready and willing to deposit a major portion of the amount since he was sitting in the back seat of the car and he has no way



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connected with the alleged offence.

6. Considering the above facts and circumstances of the case and the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit a sum of **Rs.9,00,000/- (Rupees Nine Lakhs only)** to the credit of **Crime No.42 of 2022**, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, 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, Denkanikottai**, on condition that the petitioner shall execute **a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with blood 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



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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 deposit a sum of **Rs.9,00,000/- (Rupees Nine Lakhs only)** to the credit of Crime No.42 of 2022, within a period of two weeks from the date of receipt of a copy of this order. If the petitioner failed to comply with the said condition, the anticipatory bail granted to the petitioner shall stands automatically cancelled.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m, and 05.30 p.m, until further orders.

[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



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himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

09.01.2023

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