



Crl.O.P.No.13843 of 2024

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T.V.TAMIILSELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 365, 294(b), 323, 386 and 506(ii) of IPC and subsequently, altered into Sections 365, 294(b), 323, 386 and 506(ii) of IPC r/w 120-B of IPC in Crime No.132 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that when he is in childhood his mother died and two years before, his father also died. The defacto complainant's father having property in various areas. One of the property measuring about 750sq.ft situated at Bala Hospital, Vazhaadi. The defacto complainant's father rented the said property to one Sekar, 40 years before but he has not paid the rent regularly. Due to which, the defacto complainant entered into sale agreement with Senthil Kumar and Mani and has received a sum of Rs.40,00,000/- and deposited the same in ICICI Bank. Knowing the same, the petitioner along with other accused kidnapped the defacto complainant and abused him in filthy language and also threatened him with dire consequences. Hence the case.



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3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is the friend of A2 namely Sekar, who is indeed the tenant of the defacto complainant. He also submits that the defacto complainant had rental issues with A2/Sekar and hence, the defacto complainant sold the property without issuing any notice to A2. He further submits that a false complaint has been foisted against him as if, he obtained signatures from the defacto complainant in blank papers. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that the petitioner is the friend of A2, who is tenant of the defacto complainant. Due to wordy quarrel between the defacto complainant's father and his tenant (A2), the petitioner compelled the defacto complainant to sell the property and the petitioner also obtained signatures from the defacto complainant in blank papers. He further submits that investigation is almost completed. He also submits that co-accused in this case already arrested and released on bail.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and also perused the entire materials available on record.

7. Considering the facts and circumstances of the case and the submissions made by the learned counsel on both sides and considering the fact that investigation is almost completed and also the fact that the co-accused in this case already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned District Munsif cum Judicial Magistrate, Vazhapadi, Salem District**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each (**out of which one of the surety must be a blood surety**) 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 and on further condition that:



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[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Principal Govt Yoga and Naturopathy Medical College, A/c.No.30143474408, IFSC Code:BIN0002196, MICR No.600002005, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the concerned Court at the time of executing the bail bond;

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police daily for a period of two months and thereafter, as and when required for interrogation;

[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;



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[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 has been imposed and the petitioner is released on anticipatory 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]*; and;

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

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