



Crl.OP.No. 22193 of 2024

P. DHANABAL, J

The petitioner who apprehends arrest for the alleged offences punishable under Sections 364, 365, 392, 397 of IPC in Crime No. 78 of 2022 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 06.03.2022, the petitioner along with other accused persons had threatened the de-facto complainant at knife point, kidnapped and assaulted him with hands and legs and demanded a sum of Rs.1,00,000/- and they took away Rs.36,000/- and a writ watch from the house of the de-facto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution. He further submitted that the name of the petitioner was not mentioned in the FIR and the case is pending from 2022 and he has been falsely implicated in this case and no previous case is pending against him. He further submitted that the petitioner is ready and willing to abide any



stringent conditions may be imposed by this Court. Therefore, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that on 06.03.2022, the petitioner along with other accused persons had threatened the de-facto complainant at knife point, kidnapped and assaulted him with hands and legs and demanded a sum of Rs.1,00,000/- and they took away Rs.36,000/- and a writ watch from the house of the de-facto complainant. He further submitted that almost investigation almost has been completed and there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above submissions made by the learned Counsel on either side, considering that the nature of offences, the name of the petitioner was not mentioned in the FIR and the case is pending from 2022 and there is one previous case pending against the petitioner, and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate Court No.II, Salem,*** on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:-

[a] the petitioner and the sureties shall affix their photograph 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;

[b] the petitioner shall report before the respondent police on daily at 10.00 am for 30 days.

[c] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer or tamper with



the evidence.

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[d] the petitioner shall not leave India without the prior permission of the Court.

[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 is 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS;

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