



Crl.O.P.No.23761 of 2024

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WEB C **P.DHANABAL, J.**

The petitioner apprehends arrest for the alleged offences under Section 296(b), 115(2), 127(2) and 351(2) of BNS in Crime No.320 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is in the business of selling cars. A person named Mathan requested the defacto complainant to provide a loan by mortgaging his car. The defacto complainant introduced another person named Ashraf to facilitate obtaining a car loan. After which Mathan secured the loan. Consequently, Mathan was ready with the cash to settle the loan and retrieve the car that he had mortgaged. However, Ashraf's mobile phone was switch off and as a result, Mathan abducted the defacto complainant and took the other car from the defacto complainant's workshop and forced the complainant to hand over his ATM Card and Pin. Further Mathan withdrew money from the account of defacto complainant using his ATM Card. Then booked a room using the defacto complainant's Aadhaar card as proof of identity and forced him to drink alcohol. Thereafter, the defacto complainant escaped from the lodged and admitted to a hospital. Hence, the complaint.



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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 such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the defacto complainant is in the business of selling cars. A person named Mathan requested the defacto complainant to provide a loan by mortgaging his car. The defacto complainant introduced another person named Ashraf to facilitate obtaining a car loan. After which Mathan secured the loan. Consequently, Mathan was ready with the cash to settle the loan and redeem the car that he had mortgaged. However, Ashraf's mobile phone was switch off and as a result, Mathan abducted the defacto complainant and took the other car from the defacto complainant's workshop and forced the complainant to hand over his ATM Card and Pin. Further Mathan withdrew money from the account of defacto complainant using his ATM Card. Then booked a



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room using the defacto complainant's Aadhaar card as proof of identity and forced him to drink alcohol. Thereafter, the defacto complainant escaped from the lodge and admitted to a hospital and three previous cases are pending against the petitioner and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and this petitioner is not a named accused in the FIR and the petitioner is arrayed as an accused only based on the confession statement of the co-accused and considering that there is a dispute between the first accused and the defacto complainant in respect of pledging cars and considering that though some previous cases are pending against the petitioner, in all the cases he was released on bail, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **Judicial Magistrate 1, Erode** on condition that the petitioner shall



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execute a 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 shall report **before the respondent Police daily at 10.30 A.M for a period of 30 days;**

[b] 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 him from disclosing such facts of the Court or to any police officer.

[c] the petitioner shall not leave India without the previous permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] On breach of any of the aforesaid conditions, the



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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 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

27.09.2024

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