



Crl.O.P.No.27428 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 126(2), 127(2), 115(2), 140(2) of Bharatiya Nyaya Sanhita, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.482 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 23.08.2024 at about 12.00 p.m., while the de-facto complainant was on his name, the petitioners, along with other accused persons, kidnapped him in a car and also assaulted him with their hands, causing injuries. It is further alleged that they demanded Rupees One Crore from his relatives, for which the de-facto complainant's brother-in-law gave Rupees Twelve Lakhs to petitioners and thereafter released the de-facto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence



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as alleged by the prosecution and they have been falsely implicated in this case. He also submitted that the petitioners have been implicated in this case solely based on the confession statement of the co-accused, that the co-accused who were arrested and released on bail; and that the petitioners are not named accused in the F.I.R. He further submitted that the petitioners are ready and willing to furnish substantial sureties and to abide by any conditions that may be imposed by this Court and therefore, he prayed to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police while objecting the grant of anticipatory to the petitioner submitted that on the date of alleged occurrence, the petitioners, along with other accused persons, kidnapped the de-facto complainant and demanded Rupees One Crore from his relatives; that the petitioners received Rupees Twelve Lakhs from him and released the de-facto complainant. He further submitted that there are no previous cases pending against the petitioners.

5. Heard both sides and perused the materials available on



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record including the FIR.

6. Considering the representation made by both sides, the nature of offences charged against the petitioners, that the petitioners is not the named accused in the F.I.R, that the petitioners are arrayed as an accused solely based on the confession statement of the co-accused, that said the co-accused were arrested and released on bail and also taking into consideration that there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.11, Thirupathur**, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on



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further condition that:

[a] the petitioners 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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



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can be registered under Section 269 BNS.

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