



Crl.O.P.No.28962 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Section 140 (2) of The Bharitya Nyaya Sanhita (BNS) Act, 2023 in Crime No.91 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant and the first accused have money disputes between them, thereby, a wordy quarrel arouse between the defacto complainant and other accused. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has not committed any offence and he has been falsely implicated in this case. He would further submit that due to previous enmity related to a money dispute, between the first petitioner and the defacto complainant, a wordy quarrel arouse between them, since the petitioner herein is the known person to the first accused, he apprehends arrest at the hands of the respondent police. He would further submit that the main accused was arrested and released on bail and other other accused 2 to 4 were granted



anticipatory bail by this Court vide order dated 04.09.2024 in Crl.O.P. No.21111 of 2024. He would further submit that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the defacto complainant was kidnapped, due to previous money dispute between the defacto complainant and the first accused, and the petitioner herein is also a part of the kidnap. He would further submit that the main accused was arrested and released on bail and other other accused 2 to 4 were granted anticipatory bail by this Court vide order dated 04.09.2024 in Crl.O.P. No.21111 of 2024, further petitioner herein has no previous case.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.



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6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the main accused were granted bail and other accused were granted anticipatory bail, and also the fact that the petitioner has no previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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 - 1 at Alandur** 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, failing which, the 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.



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[b] the petitioner shall report **before the Siva Kanchi police station everyday, until further orders.**

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

[d] the petitioner 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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

20.11.2024

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