



CRL OP NO.30794 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2024

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30794 of 2024

Vijayan

Petitioner(s)

Vs

State rep. by

The Inspector of Police,

Kattur Police Station,

Coimbatore.

Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 483 of BNSS, pleaded to grant bail to the petitioner in the event of his arrest in Crime No.132 of 2023 on the file of the respondent police.

For Petitioner(s):

P.Pugalenth

For Respondent(s):

S.Santhosh

Government Advocate (Crl. Side)

ORDER

Apprehending arrest in connection in connection with Crime No.132 of 2023,



registered for the offences punishable under Sections 170, 380, 364 A, 368 of I

present petition has been filed seeking anticipatory bail.

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2.The case of the prosecution is that due to a property dispute, the petitioner and other accused, had kidnapped the defacto complainant and confined him in a hotel room at Coimbatore and taken away 30 soverigns of gold jewels and a sum of Rs.10,000/- from him. Hence, the case.

3.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would submit that he is ready to abide by any stringent condition that may be imposed by this Court.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the petitioner and other accused, had kidnapped the defacto complainant and confined him in a hotel room at Coimbatore and taken away 30 soverigns of gold jewels worth about Rs.11 lakhs and a sum of Rs.10,000/- from him. There is a recovery of jewels from A1 valued about Rs.10,23,000/- and Rs.1200/- has been recovered from A2 and Rs.1100/- has been recovered from A4 and a balance sum of Rs.1,86,000/- is



yet to be recovered. A9 to A11 are actually belonging to police Department

petitioner herein has accompanied the other accused and threatened the defacto complainant. Two accused are still absconding. A1 to A3 has been released on bail. He

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would further submit that there is three previous cases as against this petitioner.

5. In reply, Mr. Pugalenthiraj, learned counsel for the petitioner would submit that the previous cases are old cases and that the arrested accused have been released on bail and the case is of the year 2021.

6. Having heard the learned counsel for the petitioner, and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, 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 Court No.2, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intend to arrest or to the satisfaction of



the learned Magistrate concerned, failing which, the petition for anticipatory bail 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 his Aadhar card or Bank pass Book to ensure their identity;
- [b] the petitioner shall report before the respondent police on every day at 10.30 a.m., 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 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];



[f] If the accused thereafter abscond, a fresh FIR can be registered
under Section Section 269 of B.N.S.



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To

1.Judicial Magistrate Court No.2, Coimbatore.

2.The Inspector of Police,

Kattur Police Station,

Coimbatore.

A.D.JAGADISH CHANDIRA, J.



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