



Crl.OP.No.18174 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 406, 420 and 506(i) IPC in Crime No.141 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the daughter of the defacto complainant fell in love with A1 and married him. It is alleged that A1 threatened the defacto complainant to pay him a sum of Rs.50,00,000/- by mortgaging his property for doing business. Thereafter, accused/A1 lost the entire money and refused to return the same. The petitioner herein is the mother of accused/A1. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further



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submitted that the father of A1 was already arrested and released on bail by this Court in Crl.O.P.No.16212 of 2022 dated 12.07.2022. As far as the petitioner is concerned, except her relationship with A1 as mother, she has nothing to do with the business done by accused/A1. In fact, the present property belongs to the petitioner was also transferred to A1 for his business and now, she is left in the streets without any property. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner's son is alleged to have threatened the defacto complainant to pay him a sum of Rs.50,00,000/- by mortgaging his property for doing business. Thereafter, accused/A1 lost the entire money and refused to return the same. He further submitted that accused/A1 is absconding. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor submitted that during the love cum arranged marriage, the defacto complainant presented more than hundred sovereigns of jewels and other household articles and now,



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defacto complainant was cheated by A1.

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6. Considering the facts and circumstances of this case, custodial interrogation of the petitioner does not require. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Ponneri on condition that the petitioner shall 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, 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



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

[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 229A IPC.

04.08.2022

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