



Crl.O.P.No.23174 of 2022

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A.D.JAGADISH CHANDIRA.J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 380 of IPC in Crime No.103 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that his mother was lived alone in the home and misusing her loneliness, the accused had given food laced with sedative and she has stolen 2 gold chains weighing about 48 grams and thereafter, she has pledged it in a bank and taken an amount of Rs.1,63,000/- and settled her loan. Thereby suspecting that the accused would have committed the theft of jewels, the complaint has been given.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false complaint has been given by the defacto complainant who is a retired Sub Inspector of Police. He would further submit that the



CrI.O.P.No.23174 of 2022

petitioner's husband is a Village Administrative Officer in the Government of Puducherry and the mother of the petitioner is also working as a Government Servant in Puducherry. He would submit that the records and accounts of the petitioner would show that the petitioner is financially placed sound and that she has been indulging in transaction of pledging jewels and taking cash even right from the year 2016. He would submit that though the defacto complainant alleges that the petitioner had stolen the money from the victim who is her mother, till date no statement has been recorded from the alleged victim. He would submit that on account of previous enmity, a false complaint has been given. He would further submit that the petitioner is ready and willing to appear before the respondent Police for investigation and the husband and mother of the petitioner both are Government Servants and they are prepared to stand as sureties for the petitioner. He would also submit that to show her bonafide, she is ready to deposit title deeds of documents of immovable property worth Rs.2 lakhs and hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.23174 of 2022

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4. The learned Public Prosecutor (Puducherry) would submit that the petitioner is a neighbour of the defacto complainant and she has given food laced with sedative substance to the mother of the defacto complainant and thereafter committed theft of 2 gold chains weighing about 48 grams. Hence, she opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel for the intervenor /defacto complainant would submit that the petitioner is a neighbour and she taking advantage of loneliness of the mother of the defacto complainant, had stolen the gold jewels weighing about 48 grams and pledged it to the Muthoot Finance. Hence, he opposed for grant of anticipatory bail to the petitioner.

6.Taking note of the facts and circumstances and also the petitioner is prepared to deposit title deeds of immovable properties worth about Rs.2 lakhs, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.23174 of 2022

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7. Accordingly, 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 No.II, Karaikal, Puducherry** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees twenty five 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;

[b]the petitioner shall deposit original title deeds of immovable property worth Rs.2 lakhs either belonging to themselves, relatives or friends.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.



Crl.O.P.No.23174 of 2022

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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Crl.O.P.No.23174 of 2022

A.D.JAGADISH CHANDIRA.J.

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Crl.O.P.No.23174 of 2022

27.09.2022