



Crl.O.P.No.23694 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 alleged offence punishable under Sections 406, 420 and 506(i) I.P.C. in Crime No.492 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the accused had received 15 sovereigns of gold jewels and Rs.15,000/- in cash from the defacto complainant and later refused to return the same. Hence the complaint.

3.Learned counsel appearing for the petitioner would submit that the petitioner is innocent and due to instigation by the neighbour, a false complaint has been given against the petitioner. She would further submit that the defacto complainant alleges that the jewels were handed over to the petitioner during the year of 2016, whereas the complaint has been given in the year 2022 belatedly after a lapse of six (6) years. The petitioner was



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called for enquiry by the respondent police and the petitioner also appeared before them and thereafter the respondent police finding that the case of the defacto complainant is a false one, did not proceed with the complaint. Further, the defacto complainant has obtained a direction from the learned Magistrate under Section 156(3) Cr.P.C., thereafter only a case came to be registered. She added that the petitioner is a widow and got employment on compassionate ground and only at the instigation of the neighbour of the petitioner, a complaint has been lodged only to harass the petitioner.

4.Learned Government Advocate (Crl.side) vehemently oppose, stating that the case in Crime No.492 of 2022 has been registered based on a direction from the learned Magistrate under Section 156 (3) Cr.P.C. He added that the investigation in this case is pending.

5.Taking note of the facts and circumstances and also considering the submissions of the learned counsel for the petitioner, this

Court is inclined to grant anticipatory bail to the petitioner with certain



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conditions.

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6. 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 V Metropolitan Magistrate, Egmore, 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 report before the respondent police everyday at 10.30 a.m. and 5.30 p.m. for a period of two weeks and thereafter as and when required for interrogation.

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[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]; and;

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

17.10.2022
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