



Crl.O.P.No.23826 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 of IPC in Crime No. 638 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had borrowed gold jewellery from the defacto complainant for the marriage of 2nd petitioner and refused to return the same. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the 1st petitioner and the defacto complainant are siblings. He would further submit that the financial dispute between them has been falsely projected as a case of criminal breach of trust. Earlier, the petitioners were called for enquiry and the matter was referred as civil in nature. Subsequently, on the directions of the petition filed by the defacto complainant under Section 156(3) of Cr.P.C, a case has been registered. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) submitted that the 1st petitioner is the sister of the defacto complainant and she had borrowed gold jewels from her brother and failed to return the same. Hence, he opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the intervenor would submit that the petitioners had taken 21 sovereigns of gold for performing the marriage of the 2nd petitioner. Thereafter, they failed to return the same.

6. Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned XIX Metropolitan Magistrate, Saidapet** on condition that the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30am., for a period of two weeks and thereafter, as and when required for interrogation.

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

[d] the petitioners 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.**



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State of Kerala [(2005)AIR SCW 5560].

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

14.11.2022

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