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Crl.O.P.No.26713 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 Sections 147, 148, 341, 294(b), 302 & 506(2) of IPC read with 212, 201 and 34 of IPC in Crime No.201 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the accused persons have conspired together and murdered the *de-facto* complainant's brother. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an practising Advocate at Hosur for the past 12 years. Her brother one Kani/A6 was falsely implicated in this case and thereby the petitioner has questioned the respondent police and antagonised by the same, the respondent has falsely implicated the petitioner herein in this



Crl.O.P.No.26713 of 2022

case as if the petitioner had harboured A6 after the occurrence. He would further submit that in this case, investigation has been completed and the respondent had filed final report before the learned Judicial Magistrate -II, Hosur and the case has been taken up in P.R.C.No.58 of 2022, pending committal. The petitioner is arrayed as A7. Even taking into consideration the final report, the offence as alleged against the petitioner is only for the offence under Sections 212 read with 302 of IPC and there is no allegation that the petitioner is aware of the earlier offence of murder and that she has been implicated in respect of harbouring the accused. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the sister of the A6 and she has harboured the A6 after the occurrence. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Perused the materials available



Crl.O.P.No.26713 of 2022

on record. Taking into consideration the facts and circumstances of the case and also that the petitioner is an advocate and the allegation as against the petitioner is that she had harboured her brother involved in a murder case and that the investigation has been completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 is made ready, before the **Judicial Magistrate Court No.2 at Hosur**, 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



Crl.O.P.No.26713 of 2022

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 learned Judicial Magistrate No.2, Hosur on all working days at 10.30 a.m., for a period of two weeks and thereafter on the dates fixed by the learned Judge.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

03.11.2022

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