



Crl.O.P.No.29604 of 2022

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police punishable for the offences punishable under Sections 294(b), 354, 420 & 506(ii) IPC, in Crime No.57 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the accused have cheated the de-facto complainant by not returning the 38 kilograms of Silver entrusted to him for job work. When the de-facto complainant and her husband asked to return either the silver or silver leg chains, the accused abused them in a filthy language and slapper the de-facto complainant's husband and they have also threatened them with dire consequences. Hence the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they were falsely implicated in this case. He further submitted that due to previous enmity between the first petitioner and the de-



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facto complainant's husband, a false case has been foisted as against the first petitioner and his family. He also submitted that the second and third petitioners are father and mother of the first petitioner herein respectively. He also submitted that they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners have cheated the de-facto complainant and her husband by not returning 38 kilograms of Silver and when it was questioned by the de-facto complainant's husband, the accused have abused him and slapped him. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel that the petitioners, this Court is inclined to grant anticipatory bail to the second and third petitioners alone with certain conditions and in respect of the first petitioner, this Court is not inclined to grant anticipatory bail.

7. Accordingly, the criminal original petition in respect of the first petitioner is dismissed and in respect of the second and third petitioners, the second and third 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 Judicial Magistrate No.I, Salem**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 stands dismissed and on further condition that:



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[a] the second and third 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 second and third petitioners shall report before the respondent police as and when required for interrogation;

[c] the second and third petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the second and third 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 second and third petitioners in accordance with law as if the conditions have been imposed and the second and third 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. 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.

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