



Crl.O.P.No.3199 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 365, 387, 342, 323, 324 and 506(ii) of IPC in Crime No.123 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is none other than the petitioner's own brother, doing real estate business. The allegation is that their parents owned a joint property at Coimbatore and another property at Sulthanpet. While so, their parents were died and the property remains in their parent's name, the petitioner demanded and threatened her shares and insists partition of the above said property. When the defacto complainant refused to do so, he was kidnapped and assaulted by the petitioner along with other accused with knife and take away cash of Rs.5,800/-. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the



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defacto complainant left their parent's home 30 years back without any intimation and this petitioner only take care of their parents and therefore, their mother executed a settlement deed in favour of the petitioner. He further submits that there are three civil suits pending before the concerned Munsif Court, wherein, two suits were filed by the petitioner and one suit is filed by the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner herein is the sister of the defacto complainant. Due to the partition of the above said property, the petitioner along with other accused kidnapped and assaulted the defacto complainant with knife, insist to sign in 21 stamp papers and also take away cash of Rs.5,800/-, He further submits that the accused A1 was already arrested and remanded to judicial custody. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the



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submissions made by the learned counsels and also the fact that A1 was already arrested, 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 his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate, Palladam*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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 Court concerned 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 as and when required for interrogation;

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



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[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 has been imposed and the petitioner is 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;

13.02.2023

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