



Crl.O.P.No.3153 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 424, 417 & 506(ii) IPC in Crime No.29 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the accused, who are the son and daughter in law of the defacto complainant have stolen 25 sovereigns of gold jewels belong to defacto complainant's daughter and also taken away the land document belongs to the defacto complainant from their house. Thereafter, when it was questioned by the defacto complainant, the petitioners have abused him in filthy language and also assaulted him with wooden log. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are none other than the son and daughter-in-law of the defacto complainant. He further submitted that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this



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case due to family dispute. He further submits that this is the second anticipatory bail petition, earlier this Court dismissed the anticipatory bail petition in Crl.OP.No.28539 of 2022 dated 08.12.2022. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted the accused who are the son and daughter in law of the defacto complainant have stolen 25 sovereigns of gold jewels, land document belongs to the defacto complainant from their house and when the same was questioned by the defacto complainant, the petitioners have abused him in filthy language and also assaulted him with wooden log. He further submitted that the amount was recovered but the land documents were not recovered. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. Accordingly, the petitioners are 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, Uthukottai*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each with two sureties and one surety must be a blood surety, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of six weeks and co-operate for investigation;

[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;



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[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 has been imposed and the petitioners 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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