



Crl.O.P.No.5846 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294 (b), 506(i) & 34 of IPC in Crime No. 26 of 2023, seek anticipatory bail.

2. It is the case of the defacto complainant that a sum of Rs.10,00,000/- was given to the petitioners together with 30 sovereigns of gold. However, the petitioners did not return the money nor the jewels to the defacto complainant.

3. The learned Government Advocate (Crl. Side) states that an investigation is pending from 26.02.2023.

4. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners. The petitioners



CrI.O.P.No.5846 of 2023

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, Valparai, on condition that the petitioners shall execute a 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 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;



CrI.O.P.No.5846 of 2023

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[b] the petitioners shall also deposit a sum of Rs.2,50,000/- each to the credit of Crime No.26 of 2023, failing which, the petition shall stand automatically dismissed without further reference to the Court.

[c] If the conditions are complied with, the 2nd and 3rd petitioners shall report before the respondent police for a period of 8 weeks, everyday at 10.30 a.m and thereafter as and when required for interrogation. The 1st and 4th petitioners shall appear before the respondent Police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during



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CrI.O.P.No.5846 of 2023

investigation or trial;

[f] 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. State of Kerala [(2005) AIR SCW 5560]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.05.2023



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CrI.O.P.No.5846 of 2023

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CrI.O.P.No.5846 of 2023



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CrI.O.P.No.5846 of 2023

24.05.2023