



Crl.OP.Nos.6606 and 24495 of 2023

Crl.O.P.Nos.6606 and 24495 of 2023

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C.V.KARTHIKEYAN,J.

The third and fourth accused have filed Crl.OP.No.6606 of 2023 and the first and second accused have filed Crl.OP.No.24495 of 2023, both in Cr.No.68 of 2023 registered by the respondent police for the offences punishable under Sections 406 and 420 of IPC. Even before proceedings further, it must be stated that the defacto complainant had filed an application seeking to intervene, but, unfortunately, there is no representation on behalf of the counsel. The matter had been adjourned for substantially number of hearings.

2. It is the case of the prosecution that the defacto complainant had entrusted gold to the weight of 481.00 gms worth about Rs.28,00,000/- to the petitioners herein.



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3. The learned counsel for the petitioners however stated that the second petitioner/second accused/wife of the first accused and third and fourth accused/parents of the first accused are not directly involved in the offence. It is also stated that the second accused is in Hyderabad with young infant.

4. On the side of the respondents, however, it is stated that as a family all the petitioners herein had taken possession of gold jewels from the defacto complainant and since none of the petitioners had even appeared for investigation, investigation could not even proceeded.

5. Taking into consideration all the factors, since entrustment of gold will have proved as a fact during the trial, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days



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from the date on which the order copy made ready, before the *learned Judicial Magistrate-V, Coimbatore* on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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.

[b] the petitioners in both Crl.OPs. jointly or any of them shall deposit a sum of **Rs.10,00,000/-** to the credit of Cr.No.68 of 2023 before the learned Judicial Magistrate-V, Coimbatore within a period of four weeks from the date of receipt of copy of this order and on such deposit, the learned Magistrate may transfer it to the interest bearing account and on conclusion of trial, depending on the nature of the judgment passed, may pass appropriate orders with respect to that amount.



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(c) the first petitioner shall cooperate during the investigation and the respondents may also investigate whether there are any other similar complaints as against the petitioners.

(d) the first petitioner/first accused in Crl.OP.No.24495 of 2023 shall report before the respondent police everyday at 10.30 a.m., until further orders, the second petitioner/second accused Crl.OP.No.24495 of 2023 shall appear before the respondent police on receipt of notice as and when required, the first and second petitioners/third and fourth accused in Crl.OP.No.6606 of 2023 shall report before the respondent police on every Saturday at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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.**



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

17.11.2023

Vv

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