



CrI.O.P.No.10356 of 2023

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K.KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Section 380 of I.P.C in Crime No.158 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's husband viz., Kuppusamy was working as driver under the de-facto complainant's husband. On 02.11.2022, the de-facto complainant viz., Priyadharshini placed her jewels along with cash amount of Rs.1,50,000/- at Bureau in her bedroom. While so, the petitioner and her infant baby often visited the house of de-facto complainant and used the bedroom for the purpose of feeding mother milk to her infant baby. On 26.02.2023, the petitioner's husband discontinued from working as driver under the de-facto complainant's husband. Thereafter, on 23.03.2023, when the de-facto complainant opened the Bureau in her bedroom, she found that the gold jewels and money which she kept in the Bureau were missing. Hence, the de-facto complainant lodged a police complaint against the



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petitioner. Aggrieved over the same, the petitioner has filed the present petition.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. He would further submit that if the petitioner is arrested by the respondent's Police, her 1½ years old boy baby will loose the love and affection of his mother and suffer a lot. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that there is no previous case of similar nature pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also, considering the fact that the petitioner is having a 1½ years old boy



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baby and she cannot leave her child alone, 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 her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court No.I, Udumalpet, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m. until further orders.

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

[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 have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***(2005) AIR SCW 5560***.

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

17.05.2023

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