



WEB COPY



Crl.O.P.No.13418 of 2023

Crl.O.P.No.13418 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 380 and 506(i) IPC in Crime No.67 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the father of the petitioner. On 20.04.2023 at about 12.00 p.m., the petitioner had entered into his father's house and by breaking open the bureau, had taken away cash of Rs.1,10,000/-, 30 sovereigns of gold jewels and original title deeds (6 nos.) belong to his father and mother and also abused and assaulted his father. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He would submit that the petitioner's wife had begotten a premature child at Dr.Mehtas Hospital, Chennai, and therefore, the petitioner had to spend heavily for the medical treatment to the baby.



Crl.O.P.No.13418 of 2023

Hence, he had sought for financial assistance from his father and that his father only had given the jewels and property documents to the petitioner and thereafter, due to family dispute, his father demanded the petitioner to return the jewels, whereas, since the petitioner had sold the jewels to meet out the medical expenses of his child, he was unable to return the same and therefore, a false case has been foisted against the petitioner. He would submit that the petitioner is ready to hand over the property documents (6 nos.) to his father. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would oppose for grant of anticipatory bail to the petitioner stating that the petitioner who is the son of the defacto complainant, had entered into his father's house and taken away cash of Rs.1,10,000/-, 30 sovereigns of gold jewels and property documents (6 nos.) belong to his father and mother.



Crl.O.P.No.13418 of 2023

WEB COPY

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6.Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the petitioner has come forward to return the property documents to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of **two weeks** from the date on which the order copy made ready, before **the learned Judicial Magistrate, Cuddalore**, 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



Crl.O.P.No.13418 of 2023

petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall hand over the original title deeds (6 nos.) to the defacto complainant in the presence of the respondent police within a period of one week from the date of receipt of a copy of this order and within a period of one week thereon, shall produce the acknowledgement for the same before the Magistrate at the time of executing the bail bond;

[c] the petitioner shall report before the Inspector of Police, Chetpet Police Station, Chennai everyday at 06.30 p.m. for a period of two weeks and thereafter, before the respondent police as and when required for interrogation;

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



WEB COPY



Crl.O.P.No.13418 of 2023

[e] the petitioner shall not abscond either during 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 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 P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

22.06.2023

ksa-2

**Copy to;
The Inspector of Police
Chetpet Police Station, Chennai**



WEB COPY



Crl.O.P.No.13418 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.13418 of 2023

22.06.2023