



Crl.O.P.Nos.15236 & 15239 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 381 IPC, in Crime No.104 of 2023, on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that petitioner in Crl.O.P.No.15239 of 2023, Kannan, was employed by JRS Home Care Service in the house of the defacto complainant. He was working there for one week. However, complaint was given belatedly on 11.06.2023 alleging that jewels weighing 9 $\frac{3}{4}$ sovereigns and Cash Rs.90,000/- were stolen. He further submitted that the petitioners are innocent and seeks anticipatory bail for the petitioners

3. In response, the learned Government Advocate (Crl.Side) submitted that defacto complainant wanted someone to assist his father and requested JRS Home Care Service to send a person for doing physiotherapy to his father. Accordingly, Kannan was sent. Kannan was



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doing Physiotherapy for defacto complainant's father for one week.

During that period, after physiotherapy was over, he used to keep his father to sit in the hall and then, on the premise of taking bath, he will close the room. He had taken the jewels and Cash. Defacto complainant came to know this only on 07.06.2023 when he searched for the passbook.

4.When this Court queried the learned Government Advocate (Crl.Side) as to whether the jewels alleged to have been stolen were recovered, he answered that only two coins (1½ Sovereigns) were recovered from the accused Sureshkumar and other properties are not recovered. He further submitted that the petitioners are absconding.

5.Considering the nature of the offence and the fact that other properties are not recovered and that investigation in this case is pending, this Court is not inclined to grant anticipatory bail to petitioner in Crl.O.P.No.15239 of 2023, Kannan. So far as the petitioner in Crl.O.P.No.15236 of 2023, D.Selvi is concerned, it is the case of the prosecution that she received gold coin from the accused Sureshkumar.



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Considering the fact that D.Selvi is a lady and that she had only received the stolen gold coin from the accused, this Court is inclined to grant anticipatory bail to the petitioner D.Selvi. Therefore, the petitioner D.Selvi 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 made ready, before **the learned Judicial Magistrate, Paramathi**, 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 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 report before the respondent police everyday at 10.30 a.m., until further orders;



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[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 P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

6. Accordingly, Crl.O.P.No.15236 of 2023 is allowed and Crl.O.P.No.15239 of 2023 is dismissed.

12.07.2023

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