



Crl.O.P.No.21081 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420, 506(i) of IPC in Crime No.05 of 2023, seeks anticipatory bail.

2.The petitioners are father and mother of the defacto complainant. It is stated that as between the 1st accused and the defacto complainant, the matrimonial relationship had been severed by an order of Court. There are allegations that the defacto complainant had given 217 sovereigns of gold, but at the same time it is also stated that out of that, during pending litigations, the petitioners had returned back 160 sovereigns of gold. It is also further contended that cash had also been given, but it is not clear whether the entire cash had been returned back or not.



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3. These are issues, which can be established only during the trial.

Since bonafide has been shown by returning back of 160 sovereigns of gold, without entering into any discussion on any other fact, this Court is inclined to grant anticipatory bail to the petitioners herein with certain conditions.

4. 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 from the date on which the order copy made ready, before the learned Metropolitan Magistrate (Additional Mahila Court) Egmore, on condition that the each of the petitioner shall execute a separate 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond



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[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

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

[d] the petitioners 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 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]**.

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

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