



Crl.O.P.No.23975 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners herein seek anticipatory bail in Crime No.343 of 2023 registered by the respondent Police for the offences under Sections 451 and 380 IPC.

2. The learned counsel for the petitioners stated that the petitioners are innocent persons and they have been falsely implicated in this case. Thus, he seeks anticipatory bail to the petitioners.

3. It is stated by the learned Government Advocate (Crl.Side) that the defacto complainant is one Sangeetha. Her husband, one Krishnakumar had unfortunately died. He was an employee in a bank. It is the specific case that out of defacto complainant's earning, a property was purchased and used for construction and the defacto complainant is living there with her two children. After the death of her husband, the 1st, 2nd and 3rd petitioners who are the brothers of the said husband and 4th petitioner who is the mother and 5th and 6th petitioners who are the wives of the 3rd and 2nd petitioners respectively are said to have entered into that particular house where the



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defacto complainant was residing and scolded and assaulted her. They had taken away the documents, cheques and more importantly the documents relating to her children.

4. The learned counsel for the petitioners states that the particular house is under mortgage and also stated that the 4th petitioner herein who is the grand mother of the two children had settled a substantial amount running to about Rs.1/-crore. It was also contented that the main grievance of the petitioners is that the defacto complainant is living with someone else and on that ground, her own brother had given a complaint against her.

5. Be that as it may, the petitioners have no right to enter into the house and take away the documents of the children and also the cheques of the defacto complainant. These are negotiable instruments of the defacto complainant.

6. Taking all the factors into consideration, I am not inclined to grant anticipatory bail to the 1st, 2nd and 3rd petitioners. Accordingly, this Criminal Original Petition is dismissed insofar as 1st, 2nd and 3rd petitioners are concerned.



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7. I am inclined to grant anticipatory bail to the 4th, 5th and 6th petitioners with certain conditions.

8. Accordingly, the 4th, 5th and 6th 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 Judicial Magistrate-I, Kallakurichi**, on condition that the 4th, 5th and 6th petitioners 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 4th, 5th and 6th 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] (i) the 4th petitioner shall report before the respondent police once a week at 10.00.a.m., for a period of four weeks and thereafter, as and when required for interrogation.



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(ii) the 5th and 6th petitioners shall report before the respondent police everyday at 10.00.a.m., until further orders.

[c] the 4th, 5th and 6th petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the 4th, 5th and 6th 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 4th, 5th and 6th petitioners in accordance with law as if the conditions have been imposed and the 4th, 5th and 6th 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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