



Crl.O.P.No.25636 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners/A1 and A2 in Crime No.911 of 2023, registered under Sections 294(b), 323, 506(i) of IPC r/w Section 4 TNPHW Act, 2002, with reference to an occurrence which took place on 22.10.2023, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

3.The de facto complainant is the wife of the brother of the 1st accused. The 2nd petitioner calls himself an uncle of the de facto complainant, but as a matter of fact that relationship is doubtful. The husband of the de facto complainant/brother of the 1st accused died and insurance amount of Rs.11,686.86, had been paid and received by the mother-in-law of the de facto complainant. The de facto complainant is entitled to one half of that amount owing her status as widow. It is stated the mother-in-law, however had spent the money in repaying debts to the Estate. But at any rate, the obligation is to pay one half to the class one legal heir of the deceased viz., widow viz., the de facto complainant. This was pointed out in the earlier observation dated 24.11.2023, and the relief of anticipatory bail was not granted.



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4.Today, the learned counsel for the petitioners had produced a copy of a demand draft purchased from the Indian Bank in the name of the de facto complainant for a sum of Rs.5,84,343/- dated 11.12.2023. In effect, the condition stipulated by the Court had complied with. In view of this particular fact without entering into any further discussion, anticipatory bail is granted. The petitioners must deposit the afore mentioned demand draft to the credit of Crime No.911 of 2023, before the learned Judicial Magistrate No.I, Tambaram, Kancheepuram District, and the learned Judicial Magistrate, on receipt of the demand draft may issue notice to the de facto complainant, and hand over the copy of the demand draft to her under proper acknowledgement.

5.The learned counsel for the petitioners stated that the petitioners are desirous of settling the entire issue and sought assistance of Mediation process for that particular purpose. The learned Judicial Magistrate No.I, Tambaram, after obtaining consent from all the parties may refer the issue for Mediation, if the learned Judicial Magistrate is of the opinion that points for settlement arise in the said case.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/A1 and A2 with certain conditions.

7.Accordingly, the petitioners/A1 and A2 are ordered to be released on



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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 No.I, Tambaram, Kancheepuram District**, on condition that the petitioners each 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 and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **The 1st petitioner** is directed to appear before the **respondent everyday at 10.30 am., until further orders** and the **2nd petitioner** to appear before **the respondent everyday at 10.30 am., for a period of two weeks.**

The petitioners/A1 and A2 must deposit the afore mentioned demand draft to the credit of Crime No.911 of 2023, before the learned Judicial Magistrate No.I, Tambaram, Kancheepuram District, and the learned Judicial Magistrate on receipt of the demand draft may issue notice to the de facto complainant, Prabavathy and hand over the copy of the demand draft to her under proper acknowledgement.

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[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.

11.12.2023

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