



Petitioners/A1 and A5 in Crime No.11 of 2023, registered under Sections 120B, 420, 468, 471 and 506(i) IPC, seek anticipatory bail.

2. Heard the learned Senior counsel for the petitioners, the learned Government Advocate (Crl.side) for the respondent and the learned counsel for the intervenor.

3. It is to be noted that A1 is the husband of the de facto complainant. There is a petition still pending as between the 1st petitioner and the de facto complainant in FCOP. No.43 of 2021, before the Family Court at Erode, which had been filed by the 1st petitioner herein under Section 13(1)(ia) of Hindu Marriage Act, 1955. It is the contention of the respondent that the marriage between the 1st petitioner and the de facto complainant took place on 30.1.2020. Thereafter, they both had also entered into a further contractual relationship as directors in a Company called, of all names, Label Hay Clothing Private Limited. They were the only two directors.

4. It is also the case of the respondent that the de facto complainant had brought in as capital a sum of rupees One Crore and was allotted five thousand shares for the same. It is the specific case of the





and given a statement in this particular regard and produced documents.

There is one small issue raised by the learned counsel for the de facto complainant that in that particular form submitted, the e-mail address of the de facto complainant was not correctly given. Again, that is an issue which will have to be examined only during the course of trial. At this stage, this Court can never come to a conclusion whether the e-mail is correct or not correct in the absence of specific details.

6.At any rate, to protect the interest of the de facto complainant, the learned Senior Counsel for the petitioners stated that the 1st petitioner would deposit a sum of Rs.50,000,00/- to the credit of Crime No.11 of 2023 **(on or before 12.01.2024)**. On such deposit, **the learned Judicial Magistrate No.II, Erode** may transfer the same in a fixed deposit which yields interest and final orders must be passed on conclusion of trial. If the 1st petitioner is acquitted then the amount with interest will be handed over back to the 1st petitioner. If the 1st petitioner is convicted then the amount with interest may be handed over to the de facto complainant. On these terms anticipatory bail is granted.

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



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8. 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 **Judicial Magistrate No.II, Erode**, on condition that each of the 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 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] 1st petitioner is directed to deposit a sum of Rs.50,000,00/- to the credit of Crime No.11 of 2023 **(on or before 12.01.2024)** and on such deposit, **the learned Judicial Magistrate No.II, Erode**, may transfer the same in a fixed deposit which yields interest and final orders will be passed on conclusion of trial. If the 1st petitioner is acquitted then the amount with interest will be handed over back to the 1st petitioner. If the 1st petitioner is convicted then the amount with interest may be handed over to the de facto complainant



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The **1st petitioner to appear before the respondent everyday at 10.30 am., until further orders** and also participate and co-operate during the course of enquiry. It is stated **that the 2nd petitioner/sister-in-law of the 1st petitioner has a young infant to take care and therefore, condition is imposed to the 2nd petitioner,** to appear before the respondent **once a week at 10.30 a.m.,** for a period of two weeks and thereafter as and when required.

[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]**.

C.V.KARTHIKEYAN, J.

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

Intervening petition is closed.

07.12.2023

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Crl.O.P.No.26742 of 2023
and
Crl.MP.No.19048 of 2023