



Crl.OP.No.4679 of 2024

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P. DHANABAL, J.

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The petitioners / accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(1), 379 of IPC, in Crime No.80 of 2024, on the file of the first respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the *de facto* complainant's son, the second petitioner is the wife of the first petitioner and third petitioner is the father-in-law of the first petitioner. The first petitioner along with the second and third petitioner took 2.5 kg of gold, 30 lakhs cash and a property document registered in the first petitioner's name and left the *de facto* complainant's home. Hence the complaint.

3. The learned counsel for the petitioner would contend that the petitioners are innocent and they have not involved in the offences as alleged by the prosecution and the respondent police had falsely implicated them in this case. He would further submit that earlier this Court has granted interim anticipatory bail with conditions. Hence, he prays to grant



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anticipatory bail to the petitioners.

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4. The Government Advocate (Criminal side) for the respondent would submit that the *de facto* complainant was not interested in the marriage between her son, the first petitioner herein, and the second petitioner due to intercaste marriage and hence first petitioner left the *de facto* complainant's house with gold and cash. He would further submit that there are no previous cases against the petitioners. Hence, he opposed to grant anticipatory bail to the petitioners.

The learned counsel appearing for the defacto complainant also reiterated the arguments of the Government Advocate.

5. Heard both sides and perused the materials available on record.

6. Considering the representations made on both sides and considering the relationship between the parties and also considering the fact that there are no previous cases as against the petitioners and also considering the nature of offences, I am inclined to grant anticipatory bail to the petitioners.



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7. Accordingly, this Criminal Original Petition is **allowed** and the petitioners are ordered to be released on anticipatory bail in the event of their 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, Erode**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on **every Saturday at 10.30 a.m. until further orders**

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[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



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petitioner 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 269 B.N.S.2023.

[g] the conditions already imposed by this Court remain intact until further orders.

22.08.2024

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1. The Judicial Magistrate – I,
Erode.
2. The Inspector of Police,
Erode Taluk Police Station,
Rangampalayam,
Erode – 638 002.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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