



Crl.O.P.No.5768 of 2024

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C.V.KARTHIKEYAN, J.

The Petitioners/A1 to A4 in Crime No.422 of 2023 registered by the respondent police for the offences under Sections 294(b), 323, 354, 361, 471, 441 and 506(2) IPC, seek anticipatory bail.

2. It is the case of the prosecution that the Petitioners had kidnapped the grandmother of the defacto complainant and had also taken away the Will, letters, photos and diary and had intimidated the defacto complainant. This Court had directed that the documents must be returned back or atleast lodged to the credit of Crime number.

3. But however, the learned counsel for the Petitioners stated that a suit in O.S.No.273 of 2023 had been filed and is now pending before the Principal District Munsif Court, Kumbakonam, wherein, the defacto complainant is the defendant and had also entered appearance. In the said suit, the Petitioners herein were the plaintiffs, had also filed the original of the sale deed dated 21.08.1978, the original of the Will dated 23.08.1996, the original of another Will dated 05.05.2021, the original death certificate of



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Albert Williams, dated 24.08.1996 and also, the original house tax receipts and electric consumption charges and also, the legal heirship certificate of the grandfather of the plaintiffs and the mother of the plaintiffs.

4. It is thus seen, that the documents are very much available in the Court to the knowledge of the defacto complainant.

5. Taking that factor into consideration, this Court is inclined to grant anticipatory bail to the Petitioners subject to the following conditions. 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 Court, Nannilam**, on condition that 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 conditions that :



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[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 petitioners shall report before the respondent police once in a week i.e., on every Saturday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for the 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]**.



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

6. The efforts taken by M/s.V.Gayathri, learned counsel for the Petitioners in gathering information about the original documents which had been filed before the Principal District Munsif Court, are deeply appreciated.

20.03.2024

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