



Crl.O.P.No.10731 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/sole accused seeks anticipatory bail in Crime No.466 of 2023 registered by the respondent Police for the offences punishable under Sections 380 of IPC.

2. It is stated that the petitioner and defacto complainant are both cousin sisters. The petitioner stayed in the house of the defacto complainant for a period of two days i.e., on 02.03.2023 and 03.03.2023. On 04.03.2023, the defacto complainant came to know that 13½ sovereigns of gold ornaments and Rs.2,000/- cash were missing. She immediately gave a complaint before the respondent Police and CSR had been registered and thereafter, FIR had also been registered after some delay. However, the complaint was lodged immediately.

3. It is contended by the learned Government Advocate (Crl. Side) that the petitioner had given an undertaking letter that she would return back the jewels.



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4. In this application, on 30.04.2024, this Court had directed the respondent to issue notice under Section 41(A) of Cr.P.C. to the petitioner and that her statement may be recorded. The petitioner had appeared before the respondent and had also given a statement before the respondent. Now the issue of return of jewels will have to be examined during the course of trial. The petitioner had given an undertaking letter to return back the jewels. During trial that letter may be brought in as a document for evidence.

5. Taking that particular fact into consideration and the bonafide expressed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XXII Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten



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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 petitioner 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 petitioner shall report before the respondent police **everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

05.06.2024

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