

Crl.O.P.No.27896 of 2023**C.V.KARTHIKEYAN, J.**

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 457, 380 of IPC r/w 24 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 in Crime No.612 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The learned Government Advocate (Crl.Side) stated that the petitioner is one of the sons of the defacto complainant. There is yet another brother of the petitioner herein, who had unfortunately died and the parents of the petitioner herein are residing in that particular house. It is alleged that the other brother of the petitioner one Loganathan, who is the first accused had entered into the said house and had taken away the household articles and also a cash.

3.The learned counsel for the petitioner forwarded a copy of order of the District Collector, Kallakurichi, dated 25.01.2021, wherein it had been stated that the petitioner herein has to pay a sum of Rs.1000/- each to his two parents. The order is dated 25.01.2021. Further, the learned counsel for the petitioner states that the petitioner is ready to comply with the order. By an order dated 18.12.2023, the petitioner was directed to file an affidavit. Accordingly, the affidavit had been filed by the petitioner wherein it is stated as follows:-

“4.I humbly submit that despites due to the unfortunate incidents took place on 30.11.2023 and to take care of my father, I undertake before this Hon'ble



Court to pay monthly maintenance to my father as per the proceedings of 1st Class District Magistrate cum Deputy Collector, Kallakurichi and to follow the same scrupulously without default.”

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In view of the said undertaking, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.II, Kallakuruchi**, on condition that the petitioner 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 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 for interrogation.

[c]the petitioner shall file a similar affidavit before the Judicial Magistrate No.II, Kallakuruchi, who may call the matter once, after three months to ensure the compliance.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 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]**.

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

29.01.2024

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