

Crl.O.P.No.10382 of 2016

S.VAIDYANATHAN, J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 341 and 294(b) of IPC in Crime No.224 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. The defacto complainant is the wife of the first petitioner. The case of the prosecution is that the petitioners are alleged to have abused the defacto complainant in a filthy language.

3. The learned counsel for the petitioners submitted that the petitioner has filed a petition for divorce in H.M.O.P.No.499 of 2016 before the Sub Ordinate Judge, Tambaram and that the defacto complainant has filed a case for maintenance in M.C.No.13 of 2015 before the Chief Judicial Magistrate, Tiruvarur and both the cases are pending. It is further submitted that the petitioner and the defacto complainant are living separately. While so, the defacto complainant has lodged a false complaint against the petitioners and the petitioners have not committed any such offence.

4. Heard the learned Government Advocate (Crl. Side) for the respondent.

5. Considering the facts and circumstances of the case and taking note of the relationship between the parties and that as the custodial interrogation may not be required in this case, I am inclined to grant anticipatory bail to the petitioners.

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6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvavarur, on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten Thousand Only) with two sureties each for a like sum to the to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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]**.

08.06.2016

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