



Dr.G. JAYACHANDRAN, J.

3. The learned counsel for the petitioner submits that the said Periyasamy has already initiated divorce petition in HMOP.No.40 of 2022 on the file of the Sub Court, Attur. To the counter blast, false complaint has been given to the Judicial Magistrate under Section 156(3) of Cr.P.C which has been forwarded to the police to register and investigate. However,



without proper investigation, case has been registered against the petitioners.

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4. It is submitted that already, CSR was registered by the Gengavalli Police Station in the year 2018 and the same was investigated and closed .

5. Considering the nature of the complaint, this Court is of the view that custodial interrogation of the petitioners not required, if the allegation against the petitioners are proved in the trial, naturally, they will face the consequences. This Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the *learned Judicial Magistrate-II, Attur* on condition that the petitioners shall execute separate bonds for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:



(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the Investigation Officer daily at 10.30 a.m., until further orders ;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and



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the petitioners are 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]***; and

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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