



CrI.O.P.No.20180 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehends arrest for the alleged offences under Sections 294b, 323 and 506(i) of IPC in Crime No.302 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant had been torturing his wife for money and treating her cruelly, due to which, she had lodged complaint with the local Jamath and there had also been a enquiry by the Local Jamath on 04.02.2016, wherein, the *defacto* complainant had given an undertaking that he will not beat his wife and not demand any money from her parents. Thereafter, the *defacto* complainant mortgaged the shop with one Abdul Rahman and again beat his wife and sent her to her parent's house to get money for the shop and also continued to give more mental torture to her and started accusing her. The *defacto* complainant's wife borrowed money from her relatives and friends and neighbours for the shop's development and gave to the *defacto* complainant. However, the *defacto* complainant refused to either repay the money or take responsibility for the repayment. The petitioners



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herein asked the *defacto* complainant to repay the amount. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners were already granted anticipatory bail on 20.12.2019 in Crl.O.P.No.34171 of 2019. Due to personal inconvenience, the petitioners were not able to execute the sureties and therefore, the petitioners have again filed the present petition seeking for anticipatory bail. On instructions, he would further submit that the petitioners are ready to deposit an amount of Rs.5,000/- to the credit of the Tamil Nadu Legal Services Authority and prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioners by stating that the petitioners were not able to execute the sureties as directed by this Court.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioners have come forward to deposit an amount of **Rs.5,000/-** to the credit of the **Tamil Nadu Legal Services Authority,**



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6. Accordingly, the petitioner shall deposit a sum of **Rs.5,000/-** (Rupees Five Thousand only) as non refundable deposit to the credit of the **Tamil Nadu Legal Services Authority** and on such deposit 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 made ready, before the *learned Judicial Magistrate-, Uthiramerur* on condition that the petitioner shall execute a 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.



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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]**.

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

25.08.2022

Vv



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