



Crl.O.P.No.21511 of 2022

A.D.JAGADISH CHANDIRA, J.,

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The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 498(A) of IPC in Crime No.17 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner/A1 and the defacto complainant are husband and wife. Due to some matrimonial dispute, they have applied for divorce on mutual consent. Since, the defacto complainant refused for the divorce on mutual consent, the petitioners attacked and threatened the defacto complainant. Hence, the respondent registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and there was a family dispute between the defacto complainant and the petitioner. Due to which, she lodged a false complaint against the petitioner. Earlier this Court by an order dated 09.09.2021 made in Crl.OP.No.16466 of 2021 granted anticipatory bail to the petitioner with a direction to surrender and execute the sureties within two



weeks. Since, the petitioner was working in Army at Manipur, he was unable to surrender within the time fixed by this Court. Thereby, the order got lapsed.

Hence, the present petition.

4. The learned Government Advocate (Crl.side) would submit that earlier this Court had granted anticipatory bail to the petitioner in Crl.OP.No.16466 of 2021 dated 09.09.2021 and the petitioner had not executed the sureties.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.V, Vellore, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 daily at at 10.30 a.m., for a period of two weeks and thereafter on the first Monday of every month at 10.30am until further orders.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

07.09.2022

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