



Crl.O.P.No.21798 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 & 506(ii) of IPC in Crime No.159 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner is the husband of the *de-facto* complainant. The petitioner had illicit affair with another lady and refused to give maintenance to the *de-facto* complainant. When it was questioned by the *de-facto* complainant, the petitioner had assaulted her. He kicked her on the throat, through out her body and also threatened her with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that it is matrimonial dispute, which has been exaggerated and a false complaint has been given against him. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.21798 of 2022

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the husband of the *de-facto* complainant. The petitioner had illicit affair with another lady and refused to give maintenance to the *de-facto* complainant. When it was questioned by the *de-facto* complainant, the petitioner had assaulted her. He kicked her on the throat, through out her body and also threatened her with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsels. Taking into consideration the facts and circumstances of the case, i am inclined to grant anticipatory bail to the petitioner with certain 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate Sendamangalam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five



Crl.O.P.No.21798 of 2022

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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., 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]**.



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Crl.O.P.No.21798 of 2022

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

09.09.2022

mpl

Crl.O.P.No.21798 of 2022