



Crl.O.P.No.23024 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294 (b), 323, 324, 354, 341, 355, 506 (ii) in IPC in Crime No.424 of 2022, seek anticipatory bail.

2. The case of the prosecution is that, the *de-facto* complainant is brother-in-law of the second petitioner. The second petitioner was having illicit affair with the first petitioner. Since, it is questioned by the *de-facto* complainant, the other accused joined together assaulted the *de-facto* complainant and his wife. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the husband of the second petitioner and the *de-facto* complainant are brothers. The *de-facto* complainant attempted to grab the property of the second petitioner's husband, who is also a differently abled person and gave a false complaint. He prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the *de-facto* complainant is brother-in-law of the second petitioner. The second petitioner was having illicit affair with the first petitioner. Since, it is questioned by the *de-facto* complainant, the other accused joined together assaulted the *de-facto* complainant and his wife. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, 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 fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.I, Ulundhurpet, Kallakurichi - District**, on condition that the petitioners shall execute a separate bond



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for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners 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. for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

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

[d] the petitioners 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 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]**.



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nst/mpl

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

nst/mpl

22.09.2022

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