



Crl.O.P.No.23307 of 2022

Crl.O.P.No.23307 of 2022

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 324 I.P.C. in Crime No.19 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is the husband and the 2nd and 3rd petitioners are the father-in-law and the mother-in-law of the victim. The petitioners have harassed, abused and assaulted the daughter of the defacto complainant, thereby she has sustained injuries. Hence the complaint.

3.Learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further state that the victim has not sustained any injuries as stated by the defacto complainant. The victim, the wife of the 1st petitioner has also filed a petition in M.C.No.10 of 2022 before the learned Chief Judicial Magistrate, Kumbakonam and the same



Crl.O.P.No.23307 of 2022

WEB COPY

is pending after filing counter. The 1st petitioner has also filed H.M.O.P.No.145 of 2022 before the learned Principal Sub Judge, Mayiladuthurai for restitution of conjugal rights which is also pending. The complaint has been lodged with an ill intention to harass the petitioners. Accordingly, prays for grant of anticipatory bail to the petitioners.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police submitted that due to matrimonial dispute, the petitioners have abused, harassed and assaulted the victim. He added that there is absolutely no injuries found on the victim.

5.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen



Crl.O.P.No.23307 of 2022

WEB COPY

days from the date on which the order copy made ready, before the learned District Munsif Cum Judicial Magistrate, Thiruvavarur, on condition that the petitioner shall execute a separate bond 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 1st petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders. The 2nd and 3rd petitioners shall report before the respondent police daily at 10.30 p.m. for a period of two weeks and thereafter as and when required.



WEB COPY



Crl.O.P.No.23307 of 2022

A.D.JAGADISH CHANDIRA, J.

kas

[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 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 F.I.R can be registered under Section 229A IPC;

12.10.2022

kas

Crl.O.P.No.23307 of 2022