



Crl.O.P.No.23660 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 341, 294(b), 323, 324 and 506(ii) of IPC in Crime No.380 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Kamaleshwari is that there was a matrimonial dispute between her and her husband/1st petitioner herein, who was suspecting her fidelity and he used to harass her. On 14.08.2022, 1st petitioner/A1 abused her with filthy language and assaulted her with iron rod. Sustaining injuries, she had informed to the 2nd petitioner herein/A2, who is the mother of the *de-facto* complainant and then, both the petitioners have taken her to a hospital at Vadapalani and threatened her that she should not give any complaint against them. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the 1st petitioner is the husband of the *de-facto* complainant and the 2nd



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petitioner is the mother of the *de-facto* complainant. There was a matrimonial dispute between them on account of *de-facto* complainant having affair with several other persons. She is working as an Event Manager and now she is presently living with her colleague. As it was objected by the 1st petitioner/husband and 2nd petitioner/Mother of the *de-facto* complainant a false complaint has been given against them. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that *de-facto* complainant is the wife of the 1st petitioner and daughter of the 2nd petitioner. The petitioners due to matrimonial dispute assaulted her sustaining injuries and threatened her not to give complaint. He would further submit that the investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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 **District Munsif Cum Judicial Magistrate Court at Madhavaram**, on condition that the each of the petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.



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[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]**.

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

28.09.2022

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