



Crl.O.P.No.24736 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 307 of IPC in Crime No.179 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the husband of the defacto complainant and since the defacto complainant insisted to stay in her parents house, there arose a wordy quarrel between the petitioner and during the quarrel, the petitioner had attempted to murder the defacto complainant by strangulating her with a rope. Hence, the case.

3. The learned counsel for the petitioner would submit that a case of marital dispute has been blown out of the proportion. He would further submit that due to the intervention of the family members, settlement talks are going on between the parties, if the petitioner is arrested, it will spoil the chances of settlement with his wife. Hence, he seeks grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that,



due to matrimonial dispute, the petitioner had attempted to murder the defacto complainant by strangulation. He further submitted that, apart from this case, there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail 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, Sendurai** on condition that the petitioner shall execute 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 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 twice daily at 10.30 a.m. and 05.30.p.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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[f] If the accused thereafter absconds, a fresh FIR



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can be registered under Section 229A IPC.

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13.10.2022

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