



CrI.O.P.No.24914 of 2022

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**A.D.JAGADISH CHANDIRA,J.**

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427 and 506(i) of IPC in Crime No.200 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Latha is that the petitioners herein are relatives. On account of her husband/1st petitioner suspecting her fidelity, there was a dispute between them and she has been living separately for the past 7 years. The 1st accused and others are her husband and in-laws, they had come to her house and abused in filthy language and caused damage to the household articles and also assaulted, resulting in her sustaining injuries. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons. He would further submit that the defacto complainant is the wife of the 1st petitioner and she had an illicit intimacy with some other person and when it was questioned by the petitioners, she



has given a false complaint against them. Thereby, he seeks anticipatory bail for the petitioners.

4. The learned Government Advocate (Crl. Side) would submit the 1st accused and others are husband and in-laws of the defacto complainant and on account of marital dispute, they had come to her house and abused in filthy language and caused damage to the household articles and also assaulted her. He further submitted that there is no previous case pending against the petitioners. Hence, he opposed to grant anticipatory bail to the petitioners.

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 petitioners are 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 Court, Omalur 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 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 every day at 10.30 a.m., until further orders and petitioners 2 and 3 shall report before the respondent Police every day at 10.30 a.m., for a period of 2 weeks and thereafter, as and when required for interrogation.

[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



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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.

**14.10.2022**

mka/vkr

**A.D.JAGADISH CHANDIRA,J.**



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