



Crl.O.P.No.25979 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 494, 294(b), 323, 324 & 506(ii) of IPC in Crime No.35 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Samidurai is that he had married the 2nd petitioner herein on 08.07.2012 and at the time of marriage, on the compulsion of 2nd petitioner's father, he had settled 86 cents of in favour of the 2nd petitioner herein. She had lived with the *de-facto* complainant only for two years. Thereafter, she developed illegal intimacy with one Gunasekaran and she has also delivered one child. When the *de-facto* complainant had questioned her activity, she along with her relatives assaulted the *de-facto* complainant using reaper stick and hit him on his stomach. Hence, the complaint.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to matrimonial dispute, a false complaint has been given. He would further submit that the case has been registered based on the direction from the learned Magistrate. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the 1st petitioner is the mother of the 2nd petitioner and the 2nd petitioner is the wife of the *de-facto* complainant. He would further submit that after marriage, the 2nd petitioner developed intimacy with one Gunasekaran and when it was questioned by the *de-facto* complainant, the petitioners along with other accused assaulted the *de-facto* complainant. 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.



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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 **Additional Mahila Court - Ariyalur**, on condition that 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 everyday at 10.30 a.m. for a period of 3 weeks and thereafter on every Saturday at 10.30 a.m., until further orders.



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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.

26.10.2022

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