



Crl.O.P.No.27073 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 294(b), 355, 323 and 506(i) of IPC in Crime No.491 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Subashchandraboss is that the marriage between him and the 2nd petitioner was solemnized 7 years ago and they got two children. Due to misunderstanding, they were separated for the past 1 ½ years and that the second petitioner filed an application for seeking maintenance before the Judicial Magistrate No.II, Ulundhurpet. While so on 07.10.2022, when he had gone to the Court, the second petitioner along with her elder brother who is the first petitioner herein abused him in filthy language and assaulted him with slippers and also intimidated him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the



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first petitioner is the brother-in-law and the second petitioner is the wife of the defacto complainant. He would submit that the defacto complainant had driven out the second petitioner from the matrimonial home and she had filed an application for maintenance on behalf of herself and the children, whereas the defacto complainant has not paid the amount and there was a quarrel between them, other than that nothing has alleged by the defacto complainant as husband. He would submit that only in order to evade payment of maintenance, a false complaint has been given. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The Additional Public Prosecutor would submit that the petitioners who are brother-in-law and wife of the defacto complainant have abused the defacto complainant in filthy language and also assaulted him with slippers. He would further submit that the investigation is at the initial stage and he opposed for grant of anticipatory bail to the petitioners.

5.The learned counsel for the intervenor vehemently opposed stating that it is a case where the defacto complainant was assaulted and beaten by the accused with slippers. Hence, he opposed for grant of



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anticipatory bail to the petitioners.

6.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

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

8.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 learned Judicial Magistrate No.I, Ulundurpet on condition that each of the petitioners 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



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further condition that:

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[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 daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[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



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FIR can be registered under Section 229A IPC;

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24.11.2022

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24.11.2022