

Crl.O.P.No.31180 of 2022

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 363, 511, 506(2) IPC and Section 4 of Harassment of Women Act, 2002 in Cr.No.52 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that she got married to the first petitioner. Out of the wedlock, they begotten a child. There was some misunderstanding between them and they got separated and that the child is under the custody of the defacto complainant. The allegation is that the petitioners are alleged to have threatened and harassed the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the first petitioner filed a divorce petition before the family Court and the same is pending for the past one year.



Hence, he prays to grant anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the defacto complainant got married to the first petitioner. Out of the wedlock, they begotten a child. There was some misunderstanding between them and they got separated and that the child is under the custody of the defacto complainant. The allegation is that the petitioners are alleged to have threatened and harassed the defacto complainant. Hence, he vehemently oppose for grant of anticipatory bail to the petitioners.

5.Mr.T.P.Prabhakaran, learned counsel appearing for the defacto complainant/Intervenor the first petitioner had attempted to kidnap the child of the defacto complainant. Being the father of the child, the first petitioner has to take care of the child but not in illegal means. Hence, he vehemently, opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions, this Court is inclined to grant anticipatory bail to the petitioners.



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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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Salem** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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 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 Court concerned 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 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



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trial;

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(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 anticipatory 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

20.12.2022

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