



Crl.O.P.No.31933 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(1) of IPC, in Crime No.230 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to the family dispute with regard to the partition of the property, the accused abused the de-facto complainant in a filthy language. Based on the complaint given by the de-facto complainant a case in Crime No.230 of 2022 was registered for the offences under Sections 294(b), 506(1) of IPC. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and due to the family dispute, a false complaint has been given by the de-facto complainant against the petitioner. He further submitted that the de-facto complainant is none other than the paternal aunt of the petitioner. He also stated that the petitioner is ready to abide by any stringent



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conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to the dispute in respect of the partition of the property, the petitioner has abused the de-facto complainant in a filthy language. Based on the complaint given by the de-facto complainant, the present case was registered. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the de-facto complainant is the paternal aunt of the petitioner and there is no possibility for the petitioner to abscond, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. 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, Denkanikottai**, on condition that the petitioner shall execute a 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, 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 as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.12.2022

Note : Issue order copy today (23.12.2022)

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