



Crl.O.P.No.32409 of 2022

Crl.O.P.No. 32409 of 2022

A.A.NAKKIRAN, J.

The petitioner , who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(2) of IPC, in Crime No.433 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner having illegal intimacy with the defacto complainant's wife. While the fact being so, on 18.11.2022, the defacto complainant's wife agreed to rejoin to the defacto complainant by the talks of the defacto complainant's family elders, at that time, the petitioner comes in the drunken mood and abused the defacto complainant in filthy language and caused lift threat to the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and that he did not commit any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner .



Crl.O.P.No.32409 of 2022

4. The learned Government Advocate (Crl.Side) submitted that, due to illegal intimacy between the petitioner and the defacto complainant's wife, the petitioner assaulted the Defacto complainant and abused with filthy language. Hence, he vehemently opposed to grant anticipatory bail to the petitioner .

5. Considering the facts and circumstances of the case and also the fact that there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent Police or the Police Officer, who intends to arrest or on the petitioner surrenders before the learned Judicial Magistrate Court, Rasipuram, within a period of fifteen days from the date of receipt of a copy of this order, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum/amount to the satisfaction of the learned Judicial Magistrate Court, Rasipuram.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond. The Police Officer who intends to arrest or the



CrI.O.P.No.32409 of 2022

learned Judicial Magistrate before whom the petitioner surrenders and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

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Crl.O.P.No.32409 of 2022

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

28.12.2022

drl/smn

Crl.O.P.No. 32409 of 2022