



Crl.O.P.No.1188 of 2023

T.V.THAMILSELVI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b) and 506(i) of IPC in Crime No.845 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the sister-in-law of the defacto complainant. Since the brother of the defacto complainant filed a divorce petition against the petitioner, the petitioner trespassed into the house of the defacto complainant and abused him in a filthy language and also attempted to assault him with broom stick. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that from the date of marriage, she is residing in the same house and only in order to evade the petitioner from that house, the defacto complainant has cooked up this case, as if she had trespassed into the house and abused him. He would further submit that she is the person who is taking care of her only son, if she is remanded, it



will affect the future of her son. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that since the brother of the defacto complainant filed a divorce petition against the petitioner who is the sister-in-law of the defacto complainant, the petitioner trespassed into the house of the defacto complainant and abused him in a filthy language and also attempted to assault him with broom stick. He would further submit that the petitioner is the person who has forcibly taken the possession of the house of the defacto complainant. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate and perused the entire materials available on record including the First Information Report.

6.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 petitioner with certain conditions.



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Poonamallee** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, out of which, one must be a blood surety 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 every Wednesday at 10.30 a.m., until filing of the final report;

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

[d] the petitioner shall not abscond either during investigation or 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 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.

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