WEB COPY

Crl.O.P.No.1773 of 2023

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence punishable under Sections 147, 148, 149, 302 and 201 of IPC in Crime No.67 of 1897, on the file of the Inspector of Police, Eriyur Police Station, Dharmapuri in respect of P.R.C.No.22 of 1999 on the file of the Judicial Magistrate, Pennagaram, Dharmapuri seeks anticipatory bail to the petitioner.

2. The case of the prosecution is that Lakshmi married to Muniappan and due to some misunderstanding Muniappan let out of the house. Thereafter Lakshmi married to one Arthanari and subsequently he was also missing. Hence, the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is residing at Pennagaram Taluk, Dharmapuri District for the past 60 years

https://www.mhc.tn.gov.in/judis

WEB COPY

and the other person was acquitted on the charges and now only service of summons effected. Hence, he prays this Court to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that Lakshmi married to Muniappan and due to some misunderstanding, Muniappan let out of the house. Thereafter Lakshmi married to one Arthanari and subsequently he was also missing. He further submitted that charge sheet has been filed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel, 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 or on his appearance before the **learned Judicial**

https://www.mhc.tn.gov.in/judis

WEB COPY

Magistrate, Pennagaram, Dharmapuri 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 is directed to appear before the Trial Court on every Wednesday at 10.30 a.m., for a period three months and directed to cooperate for trial without fail.

[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.

https://www.mhc.tn.gov.in/judis

WEB COPY

T.V.THAMILSELVI, J.

jai

[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 FIR can be registered under Section 229A IPC.

30.01.2023

jai

Crl.O.P.No. 1773 of 2023

https://www.mhc.tn.gov.in/judis