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Crl.O.P.No.3573 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 498(A), 506(ii) IPC in Crime No.10 of 2022, seek anticipatory bail.

2.The case of the prosecution is that A1/husband of the defacto complainant was having illegal affair with another girl and when the defacto complainant questioned about the same, A1 along with the petitioners, threatened the defacto complainant with dire consequences and also assaulted her. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are relatives of A1/husband of the defacto complainant and due to matrimonial dispute, the defacto complainant deserted A1 and her children and had gone away, whereas she has given a false complaint against the petitioners and A1 as if, they threatened and assaulted her. He would further submit that the children of the defacto complainant are



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now with the custody of A1 and the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent opposed for grant of anticipatory bail to the petitioners stating that the petitioners are the relatives of A1/husband of the defacto complainant. A1 was having illegal affair with some other girl and when the same was questioned by the defacto complainant, the petitioners along with A1, threatened and assaulted the defacto complainant.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. There is no representation for the Intervenor/defacto complainant.



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7.Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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 on which the order copy made ready, before **the learned Judicial Magistrate, Additional Mahila (FTC), Vellore,** 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m. until further orders.

[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 trial.

[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.

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