



CrI.O.P.No.4768 of 2023

WEB COPY

CrI.O.P.No.4768 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 and 506(ii) of IPC in Crime No.78 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant S.Karthikeyan is that the marriage between the de facto complainant and the first accused/A1 was solemnized on 08.02.2007. Out of their wedlock, two female children were born to them. In the year 2013, when the de facto complainant went to abroad, his wife and children went to Thanjavur. During the period, the attitude of the third accused/A3 with the first accused/A1 was not liked by the de facto complainant. Further, the first accused/A1 went to Mannargudi and started to live in her elder sister's house. Without the permission of the de facto complainant, the first accused/A1 along with the other accused sold the property of the



CrI.O.P.No.4768 of 2023

de facto complainant worth about Rs.45 lakhs. On 11.12.2022, when the de facto complainant went to Mannargudi to see his children and wife, the third accused/A3 threatened the de facto complainant by showing knife and prevented the first accused/A1 to live along with the de facto complainant. Thereafter, based on the invitation of the third accused/A3 for settlement on 12.12.2022, the de facto complainant along with his family members again went to the first accused/A1 house. At that time, the second accused/A2 and the third accused/A3 beaten the de facto complainant's brother and his family members. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that it is a case and case in counter. He would also submit that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



Crl.O.P.No.4768 of 2023

WEB COPY

4. The learned Government Advocate (Criminal Side) for the respondent would submit that with regard to family dispute, the petitioners abused the de facto complainant and his family members with filthy language and assaulted them, resulting them in sustaining grievous injuries. He would further submit that the injured has been discharged from the hospital and it is a case and case in counter. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made on either sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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**



Crl.O.P.No.4768 of 2023

WEB COPY

Judicial Magistrate No.1, Mannargudi, Tiruvarur District on condition that the each of the petitioner shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the first and second petitioners shall report before the respondent Police as and when required for interrogation; the third to fifth petitioners shall report before the respondent Police every day at 10.30 a.m., for a period of four 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.



WEB COPY



Crl.O.P.No.4768 of 2023

[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.

06.03.2023

arb



WEB COPY



Crl.O.P.No.4768 of 2023

A.D.JAGADISH CHANDIRA, J.

arb

Crl.O.P.No.4768 of 2023

06.03.2023