

Crl.O.P.No.4858 of 2023

A.D. JAGADISH CHANDIRA, J.

The petitioner/A5 who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 417, 109, 352, 506(1) and 406 IPC in Crime No.1 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the first accused and his family members, suppressing the earlier marriage of him, have arranged the marriage between the first accused and the de-facto complainant and later, the de-facto complainant came to know that the first accused was having several bad habits and that he had continuously harassed the de-facto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely roped in this case, since he happened to be the relative of the first accused. She was not aware of the earlier marriage of A1 and believing the words of the petitioner, the marriage was arranged and he also attended the marriage. The petitioner aged about 67 years and he is ready to abide any stringent condition. Therefore, he prays for grant of anticipatory bail to the petitioner/A5.



4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the uncle of the first accused and he along with his family members, suppressed the earlier marriage of the first accused and thereafter, the first accused along with his family members, had received the amount from the de-facto complainant and they have cheated her. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the submission of both sides, this Court is inclined to grant anticipatory bail to the petitioner/A5 with certain conditions.

6. Accordingly, the petitioner/A5 is 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 Additional Magila Court, Vellore**, on condition that each of the petitioner shall execute a 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 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 everyday at 10.30 a.m. and 5.30 p.m. until further orders.

[c] the petitioner 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 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.

06.03.2023

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