



Crl.O.P.No.7492 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i), 420, 468, 109, 471 IPC, in Crime No.110 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the defacto complainant and A1 was solemnized on 06.02.1995, and they got two children out of the wedlock. Subsequently, there was a matrimonial dispute and the accused by fabrication of documents attempted to get an exparte order of divorce against his wife. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that matrimonial disputes are pending and a false complaint has been given against the petitioner. Based on the complaint, a post man was arrested and he has been enlarged on bail. Hence, he



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prays to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) would submit that the accused by fabrication of documents attempted to get an exparte order of divorce against his wife. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration of the fact, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Arakkonam on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand



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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 daily at 10.30 a.m. until further orders.

[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.

[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.**



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State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.06.2023

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