



Crl.O.P.No.7830 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 448 and 427 of IPC, in Crime No.181 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Rayal is that on 21.03.2023, the defacto complainant's son had quarrelled with his wife on suspicion that she was having illegal intimacy with the brother-in-law of the 1st and 2nd petitioners. Subsequently, he quarrelled with the sister and brother-in-law of the 1st and 2nd petitioners. Hence, based on the complaint given by the sister of the 1st and 2nd petitioners, the son of the defacto complainant was arrested and remanded to judicial custody. Hence, the defacto complainant went to her sister's house and stayed there. At about 11.00 p.m., the defacto complainant got a phone call from her daughter-in-law's brother that the petitioners trespassed into her house and damaged her household articles. Hence, the case.



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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 and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the 1st and 3rd petitioners are the sons of the 2nd petitioner. Since the defacto complainant's son had quarreled and threatened the sister of the 1st and 2nd petitioners, the petitioners trespassed into the house of the defacto complainant and damaged her household articles. Hence, he opposed to grant anticipatory bail to the petitioners.

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



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6. Taking into consideration the facts and circumstances of the case, 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 Judicial Magistrate, Avinashi, Tiruppur District**, on condition that the petitioners shall execute separate bonds 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 daily at 10.30 a.m., for a period of two weeks and thereafter, on 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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