



Crl.O.P.No.10219 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 alleged offences punishable under Sections 294, 506(i), 498(A) and 494 of I.P.C in Cr.No.16 of 2021, seek anticipatory bail.

2. The case of the prosecution is that A1 and the petitioners herein are relatives. A1 and the defacto complainant are husband and wife who got married on 04.12.2016. There was no child for A1 and the defacto complainant and since there was no compatibility between A1 and the defacto complainant, dispute had arose between them. It is the further case of the defacto complainant that A1 had illicit relationship with A2 and begotten a child. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. He further submitted that the petitioners were earlier granted anticipatory bail by this Court in



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Crl.O.P.No.15572 of 2021 by order dated 31.08.2021 and subsequently since there was a compromise talks, the petitioners did not surrender for execution of sureties within the time stipulated by this Court and thereby, the earlier order has got lapsed. Hence, the present petition seeking anticipatory bail has been filed by the petitioners.

4.The learned Government Advocate (Crl. Side) did not dispute the allegations made by the defacto complainant. However, he would fairly concede that the petitioners were earlier granted anticipatory by this Court on 31.08.2021.

5. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side and also of the fact that the petitioners were already granted anticipatory bail by this Court on 31.08.2021, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions;



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6. Accordingly, the petitioners are directed to make a **payment of Rs.1,000/- (Rupees One Thousand Only) each, by way of Demand Draft/RTGS/NEFT as a non-refundable deposit to the credit of “Taluk Legal Services Authority, Thiruvallur”**. On such deposit and production of proof, 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 Additional Judicial Magistrate Court No.I, Thiruvallur**, 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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(d) the petitioners shall report before the respondent police daily 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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