



Crl.OP.No.9343 of 2023

S.SOUNTHAR, J

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC in Crime No.125 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that due to difference of opinion, the defacto complainant's daughter left her matrimonial home and stayed in his house. While so, on 08.02.2020, the petitioner who is none other than the son-in-law of the defacto complainant has visited his house for seeing his child, after seeing the child, the petitioner has insisted them to allow him to stay in their home at night, but, the defacto complainant refused the same. Due to which, the petitioner abused the defacto complainant and attacked him with hand and criminally intimidated him. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any such offence as alleged by the prosecution. He would further submit that on an earlier occasion, the petitioner moved anticipatory bail application before the learned Principal Sessions Judge, Nagapattinam in Crl.MP.No.922 of 2020, the same was allowed on 17.03.2020 with the conditions that the petitioner



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should surrender before the Judicial Magistrate Court-I, Mayiladuthurai on or before 30.03.2020, failing which, the order stands automatically cancelled. Due to Covid-19 pandemic situation the physical function of the Court were suspended, for that reason, he was unable to execute the security before the court concerned and thereby, the earlier order got lapsed. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI. Side) would submit that due to matrimonial dispute, the petitioner abused the defacto complainant and attacked him with hand and criminally intimidated him and also caused injuries to him. He would further submit the injured was discharged from the hospital and the petitioner did not comply with the conditions as imposed on the petitioner by the lower court vide order dated 17.03.2020 in CrI.MP.No.922 of 2020. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) and perused the materials available on record.

6. Having regard to the allegations made against petitioner in an FIR and also the submissions made by both counsel and also taking into



consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail 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 Court-I, Mayiladuthurai*** on condition that 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 every day at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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

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

05.05.2023

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