



CrI.O.P.No.10508 of 2023

CrI.O.P.No.10508 of 2023

WEB COPY

K.KUMARESH BABU, J.

The petitioners who apprehend arrest at the hands of the respondent Police for the alleged offence punishable under Sections 294(b) and 506(1) of I.P.C in Crime No.286 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant viz., Vaishnavi is an Advocate and the petitioners herein are her in-laws. On 22.11.2022, the petitioners and one Kala (mother of 1st petitioner & mother-in-law of 2nd petitioner) scolded the de-facto complainant in filthy language. Hence, the de-facto complainant lodged a police complaint against the petitioners on 23.11.2022. Based on the complaint given by the de-facto complainant, the respondent Police registered a case in Crime No.286 of 2022 against the petitioners and the said Kala (mother of 1st petitioner & mother-in-law of 2nd petitioner). Aggrieved over the same, the petitioners have filed the present petition.



Crl.O.P.No.10508 of 2023

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated as accused in this case. He would further submit that since there is a civil dispute between the 2nd petitioner and de-facto complainant's husband, the de-facto complainant has made a false complaint against the petitioners. The petitioners are no way connected to this case. Hence, the learned counsel prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that already there are two previous cases of similar nature pending against the petitioners herein. So, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



CrI.O.P.No.10508 of 2023

WEB COPY

6. 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 is made ready, before the learned District Munsif-cum-Judicial Magistrate, Gummidipoondi, on condition that the petitioners shall execute a 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 conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.



CrI.O.P.No.10508 of 2023

[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 the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***(2005) AIR SCW 5560***.

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

17.05.2023

mrr



WEB COPY



CrI.O.P.No.10508 of 2023

K.KUMARESH BABU, J.

mrr

CrI.O.P.No.10508 of 2023

17.05.2023