



Crl.O.P.No.10620 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 324, 506(ii) of IPC in Crime No.452 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Gopinath is that his wife had developed illicit intimacy with one Rajesh and both of them were living separately. On 21.12.2022, the accused, under the guise of returning the children to him, invited to their place, wherein, abused and assaulted the defacto complainant, resulting in him sustaining grievous injuries. Hence the case.

3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail filed by the petitioner and the petitioner was earlier granted anticipatory bail by this Court in Crl.O.P.No.1733 of 2023 vide Order dated 30.01.2023, however he was



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unable to furnish the sureties and thereby, the earlier Order has got lapsed and the present anticipatory bail has been filed.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the wife of the defacto complainant had developed illicit intimacy with one Rajesh and both of them were living separately. On 21.12.2022, the accused, under the guise of returning the children to him, invited to their place, wherein, abused and assaulted the defacto complainant, resulting in him sustaining grievous injuries. He would further submit that the petitioner was earlier granted anticipatory bail by this Court in Crl.O.P.No.1733 of 2023 vide Order dated 30.01.2023, however he failed to execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioners would submit that the petitioner is also ready to deposit an amount of Rs.1,000/- to any welfare scheme of the Government and prays for grant of anticipatory bail to the petitioner.



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6. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

7. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.1,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is directed to deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of **Taluk Legal Services Authority, attached to the concerned Court** and on such receipt and on receipt of proof of payment, the petitioner is ordered to be released



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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 No.II, Kancheepuram, on condition that the petitioner 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 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., for a period of two weeks and thereafter, on every Saturday 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;



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[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;

02.06.2023

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