



Crl.O.P.No.10969 of 2023

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b) IPC, in Crime No.5 of 2023, seek anticipatory bail.

2. The first petitioner is the husband of the de-facto complainant and the petitioners 2 and 3 are in-laws of the de-facto complainant. The case of the prosecution is that the first petitioner, under the instigation of second and third petitioner, has beaten the de-facto complainant, seeking jewels and the petitioners have also abused her with unparliamentary words.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the respondent police. Hence, he prayed for grant of anticipatory bail to the petitioners.



CrI.O.P.No.10969 of 2023

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4. The learned Government Advocate (CrI. Side) appearing for the respondent police submitted that there is a matrimonial dispute between the petitioners and the de-facto complaint. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and also the fact that there is a matrimonial dispute between the parties, 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, Thiruvotriyur**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with **two sureties** each for a like sum to the



Crl.O.P.No.10969 of 2023

satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judge/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.

[b] The petitioners shall report before the respondent police, as and when required for interrogation.

[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].



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Crl.O.P.No.10969 of 2023

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

17.05.2023

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Crl.O.P.No.10969 of 2023

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mst

Crl.O.P.No.10969 of 2023

17.05.2023