



Crl.O.P.No.11052 of 2023

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K.GOVINDARAJAN THILAKAVADI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 323, & 506(i) of IPC in Crime No.109 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused person abused the defacto complainant in filthy language and assaulted her and also threatened with dire consequence. Hence, the present complaint has been registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and a false complaint has been registered against him. The petitioner is no way connected in this case as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there is a dispute regarding division of property and two previous cases are pending against the petitioner in similar nature. However, he opposed for grant of anticipatory bail to the petitioner.



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

6. Considering the above facts and circumstances of the case and submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy was made ready, before the **learned Judicial Magistrate-II, Udumalpet**, 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 shall obtain a copy of her Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 am for a period of four weeks and thereafter, as and when required by the respondent police for interrogation.



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[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.

[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.

11.05.2023

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