



Crl.O.P.No.11541 of 2023

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K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 363 & 498-A of IPC in Crime No.45 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and de-facto complainant are husband and wife, got married on 25.08.2011. From the date of marriage, the petitioner tortured and harassed the de-facto complainant and thrown her away from the matrimonial home. Further, the matrimonial proceedings was pending. In the meanwhile, the petitioner illegally took the child. Hence, the case.

3. The learned counsel for the petitioner submitted that the de-facto complainant has not discharged her duties as dutiful wife



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and picked up unnecessary quarrels with the petitioner. In order to harass the petitioner, the de-facto complainant lodged the complaint before the respondent Police. The petitioner is ready to abide by any condition that may be imposed by this Court.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner.

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

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

7. Accordingly, the petitioner is ordered to be released on



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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, Hosur, Krishnagiri District**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two sureties** 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police 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.

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