



Cr1.O.P.No.11656 of 2023

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 498(A) & 506(2) of IPC in Crime No.8 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the husband of the de-facto complainant, who is the 1st petitioner herein, was having quarrel with her and attacked her. Hence, the case.

3. The learned counsel for the petitioners submitted that the de-facto complainant had already initiated the DVC proceedings against the petitioners which was pending and also given several complaints against them in various Police Station. The petitioners are ready to abide by any condition that may be imposed by this Court. He would further submit that petitioners 2 & 3 were not mentioned as accused in the FIR.



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

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

6. Considering the fact that the petitioners 2 & 3 have not been named as accused in the FIR, this anticipatory bail petition with regard to petitioners 2 & 3 are closed. As far as the 1st petitioner is concerned, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the 1st petitioner with certain conditions.

7. Accordingly, the 1st petitioner is ordered to be released 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,



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before the **learned Judicial Magistrate, Thiruvottiur**, on condition that the 1st 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 1st 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 1st petitioner shall report before the respondent police as and when required for interrogation.

[c] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 1st 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 1st petitioner in accordance with law as if the conditions have



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been imposed and the 1st 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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