



Crl.O.P.No.11973 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b), 506(1) and 313 of I.P.C in Cr.No.21 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner married the defacto complainant and due to the said wed lock one female child was born to the couple. It is alleged that the first petitioner who is the husband of the defacto complainant have illegal intimacy with other girls and when the same was questioned by the defacto complainant the first petitioner along with second and third petitioners who are father-in-law and mother-in-law of the defacto complainant harassed the defacto complainant by demanding dowry and driven her from the matrimonial home. Hence the complaint.



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3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have have been falsely implicated in this case. He further submitted that there was some family dispute in the family, that apart the petitioners have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners ill treated, abused and attacked the defacto complainant who is the daughter-in-law of their family and driven her from the matrimonial home. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking note of the act of the first petitioner this Court is not inclined to grant anticipatory bail to the **first petitioner and this petition is dismissed with regard to the first petitioner**. Consider the facts and circumstances, inclined to grant anticipatory bail to the second and third petitioners with certain conditions.



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6. Accordingly, the second and third petitioners are directed to be released on anticipatory 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, Sirkazhi** on condition that each of the second and third petitioners shall execute separate bonds 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 second and third petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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(b) the second and third petitioners shall report before the respondent police everyday at 10.30 a.m.,until further orders.

(c)the second and third petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the second and third petitionersshall 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 second and third petitionersin 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]*; and;



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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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