



Crl.O.P.No.12158 of 2023

Crl.O.P. No. 12158 of 2023

V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 447, 294(b), 353, 506(ii) of I.P.C. in Crime No.206 of 2023, on the file of respondent police, seek anticipatory bail.

2. The case of prosecution is that on 01.04.2023, when the husband of 1st petitioner died, the petitioners said to have buried the body in Survey No.201/3, whereas the Tahsildar directed to do the same in Survey No.208/1, which was questioned by the defacto complainant, due to which, there was a wordy quarrel between them, thereby they abused him and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for petitioners submitted that a false case has been foisted against them and they have not committed any offence as alleged in the complaint. He would submit that they are no way connected with the offence and they are innocent persons. He would submit that the



Crl.O.P.No.12158 of 2023

petitioners are ready to cooperate with the investigation and also abide by any condition imposed by this court. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that as the petitioners have buried the body of 1st petitioner's husband in Survey No.201/3 instead of Survey No.208/1, it was questioned by the defacto complainant, due to which, there was a wordy quarrel, thereby they scolded him and also threatened him. He would further submit if they are granted anticipatory bail, they may tamper the witnesses and hamper the investigation. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, and considering the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



Crl.O.P.No.12158 of 2023

6. 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 District Munsif cum Judicial Magistrate, Pallipattu, on condition that the petitioners shall execute a bond 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 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 appear before the Town Police Station, Madurai everyday at 10.30 a.m. for the period of four weeks and thereafter, they shall appear before respondent police everyday at 10.30 a.m. for the period of four weeks and thereafter, as and when required for the



Crl.O.P.No.12158 of 2023

investigation.

WEB COPY

[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]**.

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

26.05.2023

rpp



WEB COPY



Crl.O.P.No.12158 of 2023

V.LAKSHMINARAYANAN, J.

rpp

Crl.O.P. No. 12158 of 2023

26.05.2023