



Crl.O.P.No.13421 of 2023

Crl.O.P.No.13421 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.,

The petitioners, who apprehend arrest at the hands of the respondent/ Police for the offences punishable under Sections 294(b), 498(A), 323, 506(i) and 508 of IPC in Crime No. 32 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Chithra is that the marriage between the first petitioner and the defacto complainant was solemnized in the year 1992 and out of the wedlock, they have got one daughter and one son. The first petitioner and the defacto complainant were running a school in the name and style of Edan Garden. While so, the first petitioner was having an illegal affair with a teacher working in their school and when the defacto complainant had informed the said act of the first petitioner to the parents of the first petitioner, who are the second and third petitioners herein, they have supported the illegal activities of the first petitioner and threatened the defacto complainant and also harassed her. Hence the complaint.



Crl.O.P.No.13421 of 2023

WEB COPY

3. The learned counsel for the petitioners submitted that first petitioner is the husband of the defacto complainant. The second and third petitioners are in-laws of the defacto complainant. He would further submit that the marriage between the first petitioner and the defacto complainant was solemnized in the year 1992. He would further submit that there was a matrimonial dispute between the defacto complainant and the first petitioner and hence an exaggerated complaint has been given by the defacto complainant as against the petitioners. He also submitted that the petitioners are ready and willing to furnish sufficient solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for the grant of the anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that this case has been registered based on the endorsement from the court below. He would further submit that the first petitioner and the defacto complainant are husband and wife and they were running a school. He would further submit that the



CrI.O.P.No.13421 of 2023

first accused/husband of the defacto complainant was having an illicit relationship with the teacher in the school and harassed the defacto complainant and also made black magic as against her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Additional Mahila Court, Perambalur** on condition that the each of the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties each for a



CrI.O.P.No.13421 of 2023

WEB COPY

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/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the first petitioner shall report before the respondent Police every day at 10.30 a.m., for a period of four weeks and thereafter every Saturday at 10.30 am., until further orders and the second and third petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during



CrI.O.P.No.13421 of 2023

investigation or trial;

[e] 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 petitioner released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[f] if the petitioners herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. Accordingly, the Criminal Original Petition is ordered.

23.06.2023

mfa

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.O.P.No.13421 of 2023

mfa

Crl.O.P.No.13421 of 2023

23.06.2023