



Crl.O.P.No.13664 of 2023

WEB COPY

Crl.O.P.No.13664 of 2023

A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 451, 307 IPC, in Crime No.141 of 2023 on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegal relationship with A2 and they have attempted to murder the defacto complainant, who is the husband of A2. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the defacto complainant had suspected that the petitioner was having illicit intimacy with his wife and given a false complaint against the petitioner. Therefore, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.13664 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) for the respondent police would submit that the petitioner is the paramour of A2. They have attempted to commit murder of the husband of A2. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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 petitioner with certain conditions.

7. Accordingly, the 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, before the learned Judicial Magistrate Court, Rasipuram on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a like sum to the satisfaction of the

Page 2 of 4



CrI.O.P.No.13664 of 2023

WEB COPY

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

[b] the petitioner shall stay at Nagarcoil and report before the Kottar Police Station everyday at 10.30 a.m., until further orders.

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

[d] the petitioner shall not abscond either during investigation or trial;



WEB COPY



Crl.O.P.No.13664 of 2023

A.D.JAGADISH CHANDIRA,J.

Anu

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

28.06.2023

Anu

Crl.O.P.No.13664 of 2023