



Crl.O.P.No.14238 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448 and 506(ii) of IPC, in Crime No.106 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Mallika is that the accused son one Senthil trespassed into the house of the defacto complainant and attempted to commit penetrative sexual assault on her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the defacto complainant and the petitioner are neighbours and due to some family dispute, a false complaint has been foisted against him. He would further submit that they have nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner's son had attempted to commit penetrative sexual assault on the defacto complainant. He would further submit that the petitioner has no previous case pending against him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 District Munsif cum Judicial Magistrate, Vedaranyam** on condition that the 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



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

[b] the petitioner shall stay at Tiruvarur and report before the Tiruvarur Town Police Station every day at 10.30 a.m., for a period of three weeks and thereafter report before the respondent police every Saturday at 10.30 a.m, until further orders. However, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police, for three weeks;

[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;

[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



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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;

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

27.06.2023

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