



Crl.O.P.No.14586 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498 (A) & 294 (b) IPC, in Crime No.21 of 2023, on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that second petitioner is the sister of the first accused and the first petitioner is the husband of the second petitioner. They are living in a separate family and they have no connection whatsoever with the defacto complainant and the first accused. In a matrimonial dispute between defacto complainant and first accused, they are unnecessarily and falsely implicated as accused in this case. Thus, he prayed for grant of anticipatory bail for the petitioners.

3.In response, the learned counsel for the defacto complainant submitted that only at the instigation of the petitioners, other accused had committed cruelty on the defacto complainant. Accused had falsely



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represented that first accused was working in Qatar and earning Rs.3,00,000/- per month. But, later it was found that he is unemployed. Even now, the accused are demanding 75 sovereigns of gold. Thus, he opposed the grant of anticipatory bail for the petitioners.

4.The learned Government Advocate (Crl.Side) submitted that investigation in this case is pending.

5.This Court finds from the FIR that there is a single line of allegation made against these petitioners that at the instigation of these petitioners, other accused had committed cruelty on the defacto complainant. Except that, there are no specific allegations made against these petitioners. It is also submitted by the learned counsel for the petitioners that petitioners are living in separate residence and they have no connection with the other accused.

6.Considering the facts and circumstances of the case, this Court is of the view that custodial interrogation of the petitioners is not



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necessary and this Court is inclined to grant anticipatory bail to the petitioners and the petitioners are ordered to be released on bail in the event of their 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 II, Poonamallee**, on condition that petitioners shall execute separate 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 report before the respondent police everyday at 10.30 a.m. until further orders.

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



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[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 petitioner 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.

19.07.2023

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