



Crl.O.P.No.15025 of 2023

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**G.CHANDRASEKHARAN. J.**

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Section 498 (A), 323, 294 (b), 354 A and 506 (i) of I.P.C. in Crime No.23 of 2021 on the file of the respondent police, seek anticipatory bail.

2.It is the submission of learned counsel for the petitioners that petitioners are falsely implicated as accused in Cr.No.23 of 2021 registered for the offences under Section 498 (A), 323, 294 (b), 354 A and 506 (i) of I.P.C., for the reason that first petitioner is the friend of first accused and second petitioner is the uncle of first accused. The specific allegations against accused Vasudevan is that he has threatened the defacto-complainant that unless the defacto-complainant vacates the house, he would not allow her to live in peace with her child and that he would eliminate her. The allegation against the Shriram is that he had taken belongings of defacto-complainant, on 02.04.2021 and threw the



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articles in the road. He further submitted that an e-mail communication was addressed by defacto-complainant, to first accused wherein, she said as follows:- “Kindly hand over all my belongings before vacating the premises”. This, according to the petitioners, shows that only with the consent of the defacto-complainant, the house was vacated. Apprehending arrest, this petition is filed seeking anticipatory bail.

3.In response, the learned counsel for defacto-complainant/intervenor submitted that after the first accused was released on bail, he along with fourth accused had waylaid the defacto-complainant on two occasions and gave life threat. However, when this Court required the details of the incident such as date, place and time, the learned counsel for defacto-complainant/intervenor is not able to provide details as of now.

4.The learned counsel Government Advocate (Criminal side) submitted that investigation in this case is completed and final report has been filed and taken on file in C.C.No.534 of 2023 on the file of



5.Considered the rival submissions and perused the records.

6.Considering the submission of learned counsel appearing for parties and First Information Report, this Court is of the view that custodial interrogation of the petitioners is not necessary. With regard to the submission of learned counsel for defacto-complainant/intervenor that first accused and fourth accused had waylaid and threatened the defacto-complainant with knife, it is directed that defacto-complainant may take separate legal proceedings in the manner known to law.

7.The accused in this case is informed that if anything is brought to the notice of this Court about threatening the defacto-complainant or witness, with materials, in support of the claim, this Court will not hesitate to cancel the bail or anticipatory bail granted to them as the case may be. Defacto-complainant/intervenor may also move appropriate petition for cancellation of bail / anticipatory bail in the event of any



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threat from the accused in this case.

8.Thus, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, 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 Additional Mahila Court, Alandur**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- each (Rupees Ten Thousand only) each 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**



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**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.

[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.

**27.07.2023**

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