



Crl.O.P.No.15224 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 Sections 294(b), 336, 427 IPC and 4 of The Prohibition of Harassment of Women Act in Crime No.368 of 2023 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case in Crime No.368 of 2023 for the offences under Sections 294(b), 336, 427 IPC and 4 of The Prohibition of Harassment of Women Act, on the basis of the complaint given by one Abinayasri. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes this petition, on the ground that, defacto complainant's sister-in-law's daughter attained puberty. Accused demanded 5 sovereigns of gold jewels to defacto complainant's husband. When he explained his inability to give 5 sovereigns, defacto complainant's father-in-law started fighting with her



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husband, in support of his daughter. He also informed his friends Ramachandiran and Manikannan. On 24.06.2023 at about 10.15 p.m., accused had illegally trespassed into the house of the defacto complainant and scolded her in filthy language and hit her husband with stones. Accused broken the E.B meter box and two wheeler of the defacto complainant. They also made death threat. He further submitted that, there is a counter case in Crime No.369 of 2023. Thus, he prays for dismissal of this petition.

4. Considering the nature of allegations made against the petitioners and that a counter case is pending and that the material part of the investigation might have been over by this time, this Court is of the view that, custodial interrogation of the petitioners is not necessary and the petitioners are 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, Nannilam** on condition that the petitioners shall execute separate bonds for a sum of **Rs.25,000/- (Rupees Twenty Five 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



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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.

[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].



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

13.07.2023

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