



Crl.O.P.No.15828 of 2023

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G.CHANDRASEKHARAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under **Sections 294(b), 498(A), 494 and 506(i) of IPC in Crime No.13 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that petitioner is innocent and he is falsely implicated in this case. He further submitted that six months before, *de-facto* complainant lodged a complaint. During the enquiry, petitioner had handed over the *de-facto* complainant's jewels and other articles. Again this complaint is filed to harass the petitioner. That apart, offence under Section 494 of IPC can be prosecuted only by a private complaint and the police cannot register an FIR.

3. In response, learned Government Advocate (Criminal side) submitted that petitioner had married another lady, when the 1st marriage with the *de-facto* complainant is in subsistence. When the *de-facto* complainant questioned about the marriage, petitioner made a death threat.



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4. Considering the nature of the allegation made and fact that the petitioner married the *de-facto* complainant on 08.09.2019 and the submission of the learned counsel for the petitioner that offence under Section 494 of IPC can be prosecuted only by a private complaint this being a matrimonial issue, this court is of the view that custodial interrogation of the petitioner is not necessary. 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, Chengam**, on condition that the petitioner shall execute a bond 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 concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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 report before the respondent police 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.

[e] On 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 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].



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

21.07.2023

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