



Crl.O.P.No.15839 of 2023

Crl.O.P.No.15839 of 2023

RMT.TEEKAA RAMAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 420, 468, 471, 109 and 506(ii) of IPC, in Crime No.110 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant/ Muthazhagi, is that her husband namely Baskaran working in the Railway Department and on 20.01.2020, the defacto complainant came to know that her husband has illegal affair with another woman namely one Jayanthi, due to which, there was a misunderstanding between them. The further allegation is that her husband namely Baskaran has given a false address and filed a divorce petition before the Judicial Magistrate, Arakonam. But the same verified by the defacto complainant in the concerned Court and came to know that the summon has been served to the Defacto Complainant, but the Defacto Complainant did not receive any summon from the concerned Court. Immediately the petitioner has



Crl.O.P.No.15839 of 2023

WEB COPY

given a complaint before the respondent police. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner who is a Postman, is innocent person and while the petitioner went to the Court summon mentioned address, one lady approached him claiming herself as Muthazhagi and received the summon and thereby, he is no way connected with the alleged offence. He would further submit that the name of the petitioner does not find place in the FIR. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that during the departmental enquiry, he was found guilty.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and the submissions made



Crl.O.P.No.15839 of 2023

by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate, Arakkonam**, on condition that the petitioner shall execute a 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 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;**



WEB COPY



CrI.O.P.No.15839 of 2023

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

07.08.2023

nvi

RMT.TEEKAA RAMAN, J.

nvi



WEB COPY



Crl.O.P.No.15839 of 2023

Crl.O.P.No.15839 of 2023

07.08.2023