



Crl.O.P.No.17222 of 2023

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RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 447, 294(b), 323, 324 & 506 (ii) of IPC in Crime No.263 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that the Defacto Complainant performed her son's marriage with the third Petitioner and Divorce proceedings is pending between them. On 17.07.2023, since a relative girl stayed with his son, the Petitioners trespassed into her house, abused her with filthy language and the second Petitioner attacked her with cooker on her head. Based on her statement the Respondent police registered a case against the Petitioners.

3.The learned Counsel for the Petitioners would submit that the Defacto Complainant and her son were arranged for second marriage and on knowing the same, the Petitioners questioned their illegal attempt of performing second marriage, when the divorce proceedings is pending and therefore, they foisted a false case against them. Hence, he prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Criminal Side) for the



Respondent would submit that the injured discharged from the hospital and A1 already granted with anticipatory bail by this Court. He opposed to grant anticipatory bail to the Petitioners.

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

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the fact that the injured discharged from the hospital, the Petitioners are A2 to A4 and A1 already granted with Anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions.

7.Accordingly, the 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 **learned Judicial Magistrate, Gingee**, on condition that the Petitioners shall execute a 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



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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, on every Monday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

09.08.2023

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