



Crl.O.P.No.17419 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely Rahul, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 341, 323 and 506(i) IPC and Section 4 of TNPHW Act 2002 in Crime No.362 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, petitioner is innocent and he has been falsely implicated in a case registered for the offences under Sections 294(b), 341, 323 and 506(i) IPC and Section 4 of TNPHW Act 2002 in Crime No.362 of 2023. It is his further submission that, defacto complainant and petitioner fell in love with each other and got married on 27.12.2020 with the consent of their parents. It is alleged in the first information report that petitioner has affairs with several women and he assaulted the defacto complainant on 26.04.2023 and made criminal intimidation. The main incident said to have happened on 26.04.2023. However, defacto complainant had given complaint before the Perumbavoor Police Station, Ernakulam on 06.05.2023 and on that basis, first information report in Crime No.503 of



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2023 was registered for the offences under Sections 498A and 34 IPC. In the said complaint, nothing is stated about the incident said to have happened on 26.04.2023. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, occurrence in both the first information report are totally different. This first information report came to be registered for the incident that had happened on 26.04.2023. The investigation in this case is pending. Therefore, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records.

5. On perusal of both the first information reports, shows that, they relate to totally different incidents. However, as rightly pointed out by the learned counsel for the petitioner that, incident said to have happened on 26.04.2023 finds no reference in the complaint given for registering the first information report in Crime No.503 of 2023. There is some discrepancies about the alleged incident that had taken place on 26.04.2023.



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6. Considering the nature of the incident and that petitioner and defacto complainant are husband and wife and that material part of the investigation might have been over by this time, this Court is inclined to grant anticipatory bail to the petitioner for the reason that custodial interrogation of the petitioner is not necessary and petitioner is 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-II, Poonamallee**, on condition that the petitioner shall execute separate 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:

[a] 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.



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[b] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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].

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

04.08.2023

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