



CrI.O.P.No.17987 of 2023

CrI.O.P.No.17987 of 2023

V.SIVAGNANAM, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 498(A), 494, 506(ii) and 109 of IPC in Crime No.2 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the Petitioner. The Petitioner and the defacto complainant loved each other, but the Petitioner's family did not accept her. Therefore, the defacto complainant approached the local police station and they warned the Petitioner to marry her. They got married on 07.12.2017. From the date of marriage, the defacto complainant had some dispute with the Petitioner and his family members. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that, the Petitioner along with 7 family members filed Anticipatory Bail petition before the learned District and Sessions Judge, Thiruvannamalai and the same was numbered as C.M.P. No.955 of 2023, the court granted Interim Bail till 17.04.2023 to the Petitioner and others had been granted Anticipatory Bail. The Court directed the petitioner to attend the mediation before the Mediation Centre, Thiruvannamalai and ordered the Petitioner to pay a sum of Rs.10,000/-



on 10th of every month to the defacto Complainant, but the Petitioner failed to attend the mediation and not paid the said amount. Thus the Anticipatory Bail was cancelled. The learned counsel for the Petitioner would further submit that the Petitioner is ready to furnish sureties and surrender before the learned, Judicial Magistrate, Arani. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner before this Court.

4.The learned Government Advocate (Criminal Side) for the Respondent vehemently opposed to grant anticipatory bail to the Petitioner.

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 matter is arising out of family dispute, this Court is inclined to grant anticipatory bail to the Petitioners 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, Arani, Thiruvannamalai** on condition that the Petitioner 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



Crl.O.P.No.17987 of 2023

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., for a period of three weeks and thereafter as and when required;

[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]**.

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

14.08.2023

sai/spp



WEB COPY



Crl.O.P.No.17987 of 2023

V.SIVAGNANAM, J.

spp

Crl.O.P.No.17987 of 2023

14.08.2023