



Crl.O.P.No.19557 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 147, 294(b), 448, 427 and 506(ii) of IPC, in Crime No. 94 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that there was a love affair between A1's sister and the defacto complainant's son. While so, the defacto complainant refused the marriage proposal between his son and A1's sister and hence, A1's sister committed suicide. In retaliation, A1 along with other accused persons have assaulted the defacto complainant and caused damage to the articles in the house of the defacto complainant worth about Rs.90,000/-. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in



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this case. He would further submit that the petitioners are friends of A1 and due to harassment of the defacto complainant, A1's sister one Sakthi Priya committed suicide. The petitioners have questioned the same and other than that they have not committed any offence as alleged by the prosecution. Hence, he would seek anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police would submit that the petitioners are friends of A1. A1's sister one Sakthi Priya was harassed by the defacto complainant and committed suicide. In retaliation, the petitioners have assaulted the defacto complainant and caused damages to the articles in the house of the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. It is seen that in connection with the same incident, two FIRs are said to have been registered in Crime No.94 of of 2023 at Vaimedu



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Police Station and Crime No.140 of 2023 at Vedaranyam Police Station, and in respect of Crime No.140 of 2023, anticipatory bail has been granted by this Court in Crl.OP.No.13437 of 2023 dated 23.06.2023.

7. Considering the facts and circumstances and also taking note of the fact that the co-accused were granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

8. 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 **Judicial Magistrate, Vedaranyam, Nagapattinam District**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, report before the respondent police on every Saturday 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 absconds, a fresh FIR can be registered under Section 229A IPC.



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9. It is made clear that one complaint was given by the mother of the said Vijay and another complaint was given by the daughter, with two respective police stations in respect of house ransacking. Hence, I have entertained a doubt as to the genuineness of the complaints. Hence, the Superintendent of Police, Nagapattinam, is hereby required to conduct a joint investigation on both the FIRs by the competent District Superintendent of Police and to investigate the matter.

31.08.2023

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