



Crl.O.P.No.18872 of 2023

Crl.O.P.No.18872 of 2023

RMT.TEEKAA RAMAN, J.

The petitioners/A2 and A4, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.512 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the father-in-law of the third accused. The petitioners herein are father and sister of the third accused. The marriage of de-facto complainant's daughter and the third accused took place on February 2023. After few days of marriage, the couple preferred separation. On 29.07.2023, the second petitioner along with her husband i.e., first accused came to her father's house to attend the temple festival. On 31.07.2023, the de-facto complainant lodged this complaint with an ulterior motive to harass the family of the petitioner. Hence the case.



Crl.O.P.No.18872 of 2023

WEB COPY

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and due to matrimonial dispute, the 1st accused was arrested by the respondent-police for the simple reason of being the husband of the second petitioner herein. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to matrimonial dispute, the present complaint was lodged by the de-facto complainant. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and the co-accused already arrested and granted bail, this Court is inclined to grant anticipatory bail to the petitioners.



WEB COPY



CrI.O.P.No.18872 of 2023

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, Uthukottai** 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 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, everyday at 10.30 a.m., until further orders;**

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



WEB COPY



Crl.O.P.No.18872 of 2023

[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.

22.08.2023

nvi



WEB COPY



Crl.O.P.No.18872 of 2023

RMT.TEEKAA RAMAN, J.

nvi

Crl.O.P.No.18872 of 2023

22.08.2023