



CrI.O.P.No.20999 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 294(b), 354C, 354D of IPC and Section 4 of Prohibition of Women Harassment Act in Crime No.543 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that the second Petitioner at the instigation of the first and third Petitioners is taking photos and videos of the Defacto Complainant and he stalked the Defacto Complainant and abused and threatened her with dire consequences. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the allegation in this complaint are false. The Petitioners and the Defacto Complainant are neighbours, initially the third Petitioner lodged a complaint before the Respondent against Divya Priyan, husband of the Defacto Complainant and Mukesh, his brother for trespassing into their house on 17.12.2022, on the same enquiry was conducted and closed. Due to which, there is enmity between the parties. During June 2023, Divya Priyan, husband of the Defacto Complainant and his brother Mukesh, who are drug addicts attempted to misbehave with the first Petitioner, for which also complaint was registered in Cr.No.542 of 2023. To protect Divya Priyan, the present



Crl.O.P.No.20999 of 2023

complaint has been lodged by the Defacto Complainant. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that it is a case in counter. However, he vehemently 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 circumstances of the case and also the submissions made by the learned counsel on either sides and the fact that it is a case in counter and the Petitioners herein gave a complaint against Divya Priyan, who is husband of the Defacto Complainant and his brother Mukesh, which is as early as on 17.12.2022 in Cr.No.542 of 2023, 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, Thiruvottiyur**, 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



Crl.O.P.No.20999 of 2023

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

[d] the Petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the Petitioners shall not abscond either during investigation or trial.

[f] 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 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]**.

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

14.09.2023

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Crl.O.P.No.20999 of 2023

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Crl.O.P.No.20999 of 2023

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