



Crl.O.P.No.22510 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 307 of I.P.C and Section 24 of MAINTENANCE AND WELFARE OF PARENTS & SENIOR CITIZEN ACT, 2007, in Crime No.851 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the daughter-in-law of the de-facto complainant. The residential property was settled in favour of A1 and his sister. Admittedly there was a civil suit filed by A1 in O.S.No.432 of 2021. The first accused attacked the de-facto complainant with deadly weapon. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner is physically challenged. There is already a suit pending with respect to property as between the first



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accused/husband of the petitioner and the de-facto complainant in O.S.No.432 of 2021 on the file of the IIIrd Additional District Munsif, Salem. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to property dispute, the 1st accused attacked the de-facto complainant with deadly weapon. However, he opposed for grant of anticipatory bail to the petitioner.

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, in view of these facts, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail



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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 No.III, Salem**, 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 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, 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,



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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.

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