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Crl.O.P.Nos.24082 & 24091 of 2023

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C.V.KARTHIKEYAN, J.

The 1st accused and his mother/ the 3rd accused have filed Crl.O.P.No.24082 of 2023. The 2nd accused and her mother/ the 4th accused have filed Crl.O.P.No.24091 of 2023 in Crime No.9 of 2023 registered by the respondent Police for the offences under Sections 294(b), 352, 494, 498, 506(i) IPC.

2. The learned counsel for the petitioners stated that the petitioners are innocent persons and they have been falsely implicated in this case. Thus, he seeks anticipatory bail to the petitioners.

3. It is stated by the learned Government Advocate (Crl.Side) that the defacto complainant is the wife of the 1st accused. It is stated that when her marriage was subsisting with the 1st accused, the 1st accused had married the 2nd accused/the 1st petitioner in Crl.O.P.No.24091 of 2023. A child had also born through the 2nd accused. As a matter of fact, he also has a female child with the defacto complainant.



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4. These are facts which have to be investigated and medical examination should also be done to determine the paternity of the 1st accused with defacto complainant's daughter. It is contended that the petition seeking divorce is still pending. That fact will also have to be investigated. The process of marriage which the 1st and 2nd accused went through will also have to be investigated.

5. In view of all these facts, the petition in Crl.O.P.No.24082 of 2023 is dismissed with respect to 1st petitioner. However, I am inclined to grant anticipatory bail to the 2nd petitioner in Crl.O.P.No.24082 of 2023 who is the mother of the 1st petitioner.

6. The petition in Crl.O.P.No.24091 of 2023 is dismissed with respect to 1st petitioner. However, I am inclined to grant anticipatory bail to the 2nd petitioner in Crl.O.P.No.24091 of 2023 who is the mother of the 1st petitioner.



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7. Accordingly, the 2nd petitioners in Crl.O.P.Nos.24082 and 24091 of 2023 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 District Munsif cum Judicial Magistrate, Vaniyambadi**, on condition that the 2nd petitioners in Crl.O.P.Nos.24082 and 24091 of 2023 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 2nd petitioners in Crl.O.P.Nos.24082 and 24091 of 2023 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 2nd petitioners in Crl.O.P.Nos.24082 and 24091 of 2023 shall report before the respondent police everyday at 10.00.a.m., for a period of three weeks and thereafter, as and when required for interrogation.



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[c] the 2nd petitioners in Crl.O.P.Nos.24082 and 24091 of 2023 shall not tamper with evidence or witness either during investigation or trial;

[d] the 2nd petitioners in Crl.O.P.Nos.24082 and 24091 of 2023 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 2nd petitioners in Crl.O.P.Nos.24082 and 24091 of 2023 in accordance with law as if the conditions have been imposed and the 2nd petitioners in Crl.O.P.Nos.24082 and 24091 of 2023 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;

8. The respondent is directed to take the 1st petitioner/1st accused namely Sathish into custody and report before this Court. For that purpose, list Crl.O.P.No.24082 of 2023 alone on 28.11.2023.

07.11.2023

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C.V.KARTHIKEYAN, J.



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