

CrI.O.P.No.24638 of 2023**C.V.KARTHIKEYAN, J.**

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The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 494, 498(A) and 506(i) of I.P.C r/w Section 4 of TNPHW Act of 2002, in Crime No.18 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused is working in C.R.P.F. The second accused is working in Postal Department. The first accused had already married the de-facto complainant and there was also a female child born. In the meantime, the 1st accused got second marriage with one Sangeetha and lived with her. Due to the knowledge of second marriage, the de-facto complainant questioned the first accused. There was quarrel between them and using filthy language and he threatened her. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that there was a wordy quarrel arose between them, the first petitioner using filthy language and threatened 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 also the relationship among the parties, this Court is inclined to grant anticipatory bail to the third petitioner alone.

7. As far as the 1st and 2nd petitioners are concerned, the petition is dismissed with regard to A1 and A2. As far as, the third petitioner is concerned, she is 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 Poochampalli, Krishnagiri District**, on condition that the third 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 third 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 third petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the third petitioner 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 third petitioner in accordance with law as if the conditions have been imposed and the third 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]**.



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

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