



Crl.O.P.Nos.25864, 26817 and 26821 of 2023

WEB COPY **C.V.KARTHIKEYAN, J.**

The petitioners are accused in Crime No.315 of 2023 registered under Sections 294(b) 341, 448 and 498(A) IPC.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

3.The 1st accused is the husband of the de facto complainant. The other accused are the brothers and one of them is brother's wife of the 1st accused. It is stated that the marriage took place more than 20 years back. Their daughter is married. The son has graduated in Engineering course. It is stated that the land was originally allotted to the de facto complainant under the Adi Dravidar Welfare Scheme. It is contended by the learned counsel for the petitioners that the 1st accused had put up the superstructure. But that would not put him in any advantageous possession so far as title is concerned. The title over the land still vests only with the de facto complainant. The 1st accused or any of the other accused have no manner of right, title or interest over the property. Their contention that it was built by A1 is subject to be tested during the course of trial. There are also agricultural lands. It is the contention of the de facto complainant that she had been chased out of the house. However, taking all the factors into consideration, anticipatory bail is



granted. But, the 1st accused is directed to file an affidavit before the learned District Munsif cum Judicial Magistrate, Nannilam that he is prepared to take back the de facto complainant into the residential house.

4. Taking into consideration, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners herein with certain conditions.

5. 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 District Munsif cum Judicial Magistrate, Nannilam**, on condition that each of 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 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] 1st, 2nd and 3rd petitioners **to appear before the respondent everyday at 10.30 am.**, for a period of **three**



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weeks and the 4th petitioner to appear before the **respondent once a week at 10.30 am., for a period of three weeks**, and thereafter all the petitioners to appear before the respondent as and when required.

Petitioner/1st accused is directed to **file an affidavit before the learned District Munsif cum Judicial Magistrate, Nannilam** that he is prepared to **take back the de facto complainant into the residential house.**

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

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

30.11.2023

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