



Crl.O.P.No.26780 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioners/A1, A2, A4 and A5 seek anticipatory bail in Crime No.741 of 2023 registered by the Respondent for the offences under Sections 143, 294(b), 323, 506(i) and 34 IPC with respect to an occurrence which took place on 09.11.2023.

2. It is stated by the learned Government Advocate (Criminal Side) that there is a dispute which is now pending before the Judicial Magistrate, Vaniyambadi relating to maintenance claim made by the defacto complainant against the 1st Petitioner/her husband. It is stated that when the defacto complainant came to the Court, the Accused persons had assaulted her. Hence, this case.

3. An affidavit has been filed by the 1st Petitioner that without prejudice to the orders passed in the Maintenance Case/M.C.No.17 of 2023 and in the Domestic Violence Case/D.M.C.No.2 of 2023 and in a Civil Suit/O.S.No.282 of 2023 pending before the Sub Court at Vaniyambadi. The Petitioners are preferred to pay a sum of Rs.2,000/- to both the defacto



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complainant and the child separately. Let this amount of Rs.2,000/- be deposited to the credit of M.C.No.17 of 2023 on the file of Judicial Magistrate Court, Vaniyambadi and when the final orders are passed, the learned Judicial Magistrate may adjust this maintenance amount with any other maintenance amount determined by the learned Judicial Magistrate. There should not be any default in the monthly payment of the maintenance amount now stated. The 1st Petitioner may also file a copy of an affidavit now filed before this Court, before the Judicial Magistrate, Vaniyambadi in Crime No.741 of 2023 at the time of execution.

4. Taking into consideration of these factors, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions that **the amount of Rs.2,000/- be deposited to the credit of M.C.No.17 of 2023 on the file of Judicial Magistrate Court, Vaniyambadi and when the final orders are passed, the learned Judicial Magistrate may adjust this maintenance amount with any other maintenance amount determined by the learned Judicial Magistrate. There should not be any default in the monthly payment of the maintenance amount now stated and the 1st Petitioner may also file a copy of an affidavit now filed before this Court,**



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before the Judicial Magistrate, Vaniyambadi in Crime No.741 of 2023 at

the time of execution. 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, Vaniyambadi**, 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 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 daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the interrogation.

[c] the amount of Rs.2,000/- be deposited to the credit



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of M.C.No.17 of 2023 on the file of Judicial Magistrate Court, Vaniyambadi and when the final orders are passed, the learned Judicial Magistrate may adjust this maintenance amount with any other maintenance amount determined by the learned Judicial Magistrate. There should not be any default in the monthly payment of the maintenance amount now stated and the 1st Petitioner may also file a copy of an affidavit now filed before this Court, before the Judicial Magistrate, Vaniyambadi in Crime No.741 of 2023 at the time of execution.

[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 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]**.



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

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