



CrI.O.P.No.387 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 498A, 506(i) of IPC in Crime No.762 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife, A1 is the husband. There was family dispute among themselves and earlier wife had lodged a complaint. After intervention of elders they compromise and started living again. Since the trouble arose again, the defacto complainant had lodged the present complaint.

3.The learned counsel appearing for the petitioner would submit that there was no dowry threat or any sort of harassment committed by the petitioner or his family members. The petitioner is one of the founder of Namathu Nilam, the Organisation fighting against land acquisition for farmers in Kannur areas. Hence, for his own security



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purpose he had installed CCTV Cameras outside his house. This was mistaken by the defacto complainant and she had lodged a complaint. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that husband is an IT Employee. The defacto complainant had alleged tortured by this petitioner and his family members. DVC complaint had been lodged and investigation is pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions and that there is a family dispute and that wife with a child, he is living away from this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned **Judicial Magistrate, Mettupalayam** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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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 open a bank account in the name of the minor child under the guardianship of defacto complainant and deposit a sum of Rs.8,000/- (Rupees Eight Thousand only) on the first week of every English Calender month towards maintenance of the minor child who are under the custody of the defacto complainant until it is modified by the Court of law. Failing which, the anticipatory bail granted to the petitioner shall stand cancelled automatically. The defacto complainant is permitted to withdraw the amount and utilize the same for the welfare of the minor children until they attain majority or it is modified by the Court of law.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police o every Saturday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.



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

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[f] the petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, 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]**.

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

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