



Crl.O.P.No.28539 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner in Crime No.323 of 2023 registered by the Respondent Police for the offences under Sections 294(b) and 354 IPC with respect to an occurrence which took place on 12.12.2023, seeks anticipatory bail.

2. The learned Government Advocate (Criminal Side) stated that the Petitioner and the defacto complainant are relatives and they had continuous quarrels. It is stated that the Petitioner herein had abused and scolded the defacto complainant and outraged the modesty of the wife of the defacto complainant.

3. The learned counsel for the Petitioner stated that the Petitioner is an innocent person and the complaint had been lodged, only due to the previous enmity. Thus, he prays for grant of anticipatory bail to the Petitioner herein.



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4. Taking all that factors into consideration, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions. Accordingly, the Petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Pollachi**, on condition that the petitioner shall execute a 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 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 report before the Respondent Police daily at 10.30 a.m., until further orders.

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



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[d] the 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 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]**.

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

21.12.2023

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