



Crl.O.P.No.28579 of 2023

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C.V.KARTHIKEYAN, J.

Petitioners in Crime No.53 of 2023, registered under Sections 498(A), 294(b) and 506 (ii) IPC, seek anticipatory bail

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondents.

3. The marriage between the 1st petitioner and the de facto complainant took place on 24.10.2021 and they do not have any children. In the complaint, it had been stated that the 1st petitioner agreed to marry the de facto complainant with knowledge that she was studying Phd. It is however stated that after her marriage, there were restraints on her continuing with her studies. It is also alleged that the 1st petitioner has illegal intimacy with other woman. However, the learned counsel for the petitioners stated that the 1st petitioner had filed IDOP No.51 of 2023 Under Section 10(i) (Vii) Indian Divorce Act, on 02.03.2023. It is stated that counsel had also entered appearance on behalf of the de facto complainant. There is no mention in the complaint about the filing of the IDOP No.51 of 2023. The de facto complainant should enter appearance in that particular petition and agitate all issues relating to that particular case. Taking all factors into consideration and also because there is no name given with respect to the lady with whom the 1st petitioner is said to have illegal intimacy,



anticipatory bail is granted.

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4. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 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 **Judicial Magistrate Court at Thirukoilur**, on condition that the petitioners each 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 **1st petitioner** to appear before the **respondent**



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everyday at 10.30 a.m., until further orders and the 2nd and 3rd petitioners to appear before the respondent once a week at 10.30 am., for a period of three weeks and thereafter as and when required for interrogation.

[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.

21.12.2023

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