



Crl.O.P.No.741 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 448, 294(b), 323 and 506(i) of IPC read with Section 4 of Prohibition of Harassment of Women Act, 2002 in Crime No.642 of 2023, seeks anticipatory bail.

2. It is stated that the petitioner and the defacto complainant had come to know each other and but later owing to various reasons, the defacto complainant had moved away from the relationship of the petitioner. This had caused the petitioner to commit the aforementioned offence.

3. An affidavit had been filed by the petitioner wherein he had stated as follows in paragraph No. 8 :-

“8. I submit that I have given my consent that hereafter I have never disturb the defacto complainant in any manner and I undertake avoid her relationship hereinafter.”



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4. Taking all the factors into consideration and also the undertaking given, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 Judicial Magistrate, Nannilam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of which one surety must be mother or father of the petitioner, 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., for a period of two weeks and thereafter as and when required.



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

[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.

6. A copy of the same affidavit should also be filed at the time of executing sureties before the learned Judicial Magistrate, Nannilam.

05.02.2024

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