



CrI.OP.No.4377 of 2024

CrI.O.P.No.4377 of 2024

WEB COPY

C.V.KARTHIKEYAN,J.

The petitioners/A1 to A7 in Crime No.10 of 2024 registered by the respondent police for the offences punishable under Sections 498A and 506(ii) of IPC on 02.02.2024 seek anticipatory bail.

2. It is quite surprising to note that the complaint was lodged on 02.02.2024 at 04.00 p.m., and on the same day, the FIR had also been registered by the respondent. The respondent is bound by the directions given in *Lalita Kumari Vs. Government of Uttar Pradesh and others [2013 (6) CTC 353]* wherein, the Hon'ble Supreme Court had stated that preliminary enquiry should be conducted before the First Information Report is registered particularly with respect to matrimonial disputes. The nature of allegations in the First Information Report further require that a preliminary enquiry should have been done by the respondent.



CrI.OP.No.4377 of 2024

WEB COPY

3. The learned counsel for the petitioners stated that the petitioners had filed a petition for restitution of conjugal rights under Section 9 of Hindu Marriage Act in H.M.O.P.No.8 of 2024 and it is pending before the Sub Court at Thirukoilur. It is stated that immediately on receipt of summons from that particular court the present complaint had been lodged and FIR had been registered

4. Taking into consideration the haste with which the FIR had been registered, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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, Thirukoilur*** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the



Crl.OP.No.4377 of 2024

WEB COPY

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 and 2nd petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and the 3rd, 4th, 5th, 6th and 7th petitioners shall report before the respondent police on every Saturday at 10.30a.m., for a period of two 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



Crl.OP.No.4377 of 2024

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.

26.02.2024

Vv

C.V.KARTHIKEYAN,J.



WEB COPY



Crl.OP.No.4377 of 2024

Vv

Crl.O.P.No.4377 of 2024

26.02.2024