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Crl.O.P.No.7907 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner / A2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498A and 494 of IPC in Crime No.28 of 2023, seeks anticipatory bail.

2.As a matter of fact, a man missing complaint has been lodged by A3, which has been registered in Crime No.992 of 2023 on 10.10.2023 by Vellapalayam Police Station, Tiruppur.

3.It is submitted by the learned Government Advocate (Crl. Side) that the investigation in Crime No.28 of 2023 could not commence.

4.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and had been falsely implicated in this case. He further submitted that this petitioner had innocently married A1, without knowledge of the fact that A1 was already married to the defacto complainant.



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5.Earlier petition seeking anticipatory bail was dismissed on 29.01.2024 in Crl.O.P.No.29277 of 2023. The significant change in circumstance is that A1 had subsequently surrendered and had been granted bail.

6.Taking that factor into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7.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 Additional Mahila Court, Tiruppur, 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:



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[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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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.

22.04.2024

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