



Crl.O.P.No.11460 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 494, 498(A) and 506(i) of I.P.C. r/w Section 4 of TNPHW Act of 2002 in Crime No.18 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused is working in C.R.P.F. The second accused is working in a Postal Department. The first accused had already married the de-facto complainant and there was also a female child born. In the meantime, the first accused got second marriage with one Sangeetha and lived with her. Due to the knowledge of second marriage, the de-facto complainant questioned the first accused. There was quarrel between them and using filthy language and he threatened her. Hence, the case.



Crl.O.P.No.11460 of 2024

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. On 31.10.2023, in Crl.O.P.No.24638 of 2023, this Court had granted anticipatory bail for A3 and had dismissed the anticipatory bail to this petitioner. It is seen that the respondent has not taken any steps to secure the petitioner even though the petitioner is working in C.R.P.F.

5. Taking into consideration the fact and also that there has been substantial progress in investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 District Munsif-cum-Judicial Magistrate, Poochampalli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten



Crl.O.P.No.11460 of 2024

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 **everyday at 10.30 a.m., until further orders.**

[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]**.



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Crl.O.P.No.11460 of 2024

C.V.KARTHIKEYAN,J.

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

7. The intervener was granted permission to bring up his application, but no application was filed. There was also no representation for the intervener.

19.06.2024

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Crl. O.P. No.11460 of 2024