



Crl.O.P.No.17791 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences under Sections 294(b), 323, 506(i) and 34 of IPC in Crime No.80 of 2023, seeks anticipatory bail.

2.It is stated that the petitioner herein is the son-in-law and the defacto complainant is the father-in-law. Unfortunately, the wife of the petitioner/daughter of the defacto complainant died leaving behind a 3 ½ year old daughter. The custody over the said daughter had spilled over to the Court of law. The petitioner had filed G.O.P.No.27 of 2022 before the Family Court at Puducherry. In the G.O.P, orders have been passed and that order have been contested and the matter has been circulating around various Courts. In the meanwhile, the present complaint had been lodged and FIR in Crime No.80 of 2023 had been registered under Sections 294(b), 323, 506(i) and 34 of IPC.

3.Both the petitioner and the defacto complainant, whatever be the grievance against each other, must take a resolution that they should not use the young child as a weapon or even as a shield against each other. She can



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be termed to be a victim in the hands of the both the petitioner and the defacto complainant.

4.The Family Court at Puducherry may examine the issues in G.O.P.No.27 of 2022 and examine the competency of both the parties /father and grandfather of the victim child and take a considered decision with respect to granting of custody to either one of them. If both are found acting to the adverse interest of the child, appropriate orders may also be passed.

5.Stating as above, I am inclined to grant anticipatory bail to the petitioner subject to the following 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 Judicial Magistrate No.II, Pondicherry on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb



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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 for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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.

29.01.2024

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C.V.KARTHIKEYAN,J.



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