



CrI.O.P.No.21922 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioners seek anticipatory bail in Crime No.161 of 2023 registered by the Respondent Police for the offences under Sections 294(b), 323 and 506(i) IPC read with Section 4 of the Women Harassment Act.

2. The learned Government Advocate (Criminal Side) stated that the 1st Petitioner herein/1st Accused is the husband of the defacto complainant. They had no children. The 1st Petitioner/1st Accused therefore had taken a decision to marry again and after that marriage, he had taken a further decision to go along with that lady to the house of his wife and there, it is stated that all the Accused persons had abused the wife of the 1st Petitioner.

3. My learned Predecessor had referred this matter to the Mediation and a report had also been received wherein it had been stated that the Petitioners had not appeared for Mediation on 10.11.2023, though they said that they would do so. It is therefore clear that Mediation was only an excuse sought by them to prevent the Court from passing any orders.



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4. However, orders are now passed dismissing the anticipatory bail application as against the 1st Petitioner herein. But since the Accused A2, A3 and A4 are the parents and sister of the 1st Petitioner, this Court is inclined to grant anticipatory bail to the 2nd, 3rd and 4th Petitioners with certain conditions. Accordingly, the 2nd, 3rd and 4th 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 II, Thindivanam**, on condition that the petitioners shall execute a separate 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:

[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 petitioners shall report before the Respondent Police daily at 10.30 a.m., for a period of two weeks and



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thereafter, as and when required for the 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 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.

5. Accordingly, this Criminal Original Petition seeking anticipatory bail stands granted against the 2nd, 3rd and 4th Petitioners and dismissed against the 1st Petitioner.

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