



Crl.O.P.No.27650 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b) and 351(3) of BNS, 2023, and Section 75 of the JJ Act, 2015, in Crime No.333 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant, Ramesh is that his wife/A1 along with her boyfriend had abused and tortured his son. Hence, the case.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is a matrimonial dispute pending between the petitioner and her husband and hence, a false complaint has given as if the petitioner had abused her child along with her boyfriend. He would further submit that even as per FIR, no injury has been found on the victim. He would further submit that there is no previous case against the petitioner. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of



Crl.O.P.No.27650 of 2024

anticipatory bail to the petitioner.

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5.The learned Government Advocate (Crl. Side) would submit that the petitioner along with her boyfriend had abused the defacto complainant's son in filthy language and harassed him. He would further submit that no previous case is pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7.Considering the facts and circumstances of the case, there is a matrimonial dispute pending between the parties and that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***District Munsif cum Judicial Magistrate, Edappadi***, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with



Crl.O.P.No.27650 of 2024

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:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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Crl.O.P.No.27650 of 2024

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Crl.O.P.No.27650 of 2024

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