



Crl.O.P.No.27629 of 2023

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Crl.O.P.No.27629 of 2023
and Crl.M.P.No.19710 of 2023

C.V.KARTHIKEYAN,J.

The petitioners who apprehend arrest at the hands of the respondent Police for the offences under Sections 147, 294(b), 323, 342, 364, 506(ii) of IPC in Crime No.1607 of 2023, seek anticipatory bail.

2.All the petitioners are related to each other. As a matter of fact, the 6th petitioner is the wife of the defacto complainant. The 6th petitioner and the defacto complainant have been estranged for the past five years. It is stated that the defacto complainant had filed an application seeking divorce but the same was dismissed for non prosecution. The 6th petitioner has filed an application seeking maintenance and the same is pending.

3.It is the case of the defacto complainant that during the hearing of the maintenance case, the petitioners herein had called him over to their house and had detained him for a period of five days.

4.The learned Government Advocate (crl.side) stated that at that time, the petitioners had also obtained signatures in blank papers and the motive was with respect to the property which the 6th petitioner claims that he purchased from consideration also forwarded by them.

5.One factor which is also evident is that the defacto complainant and his family members are accused in FIR in Crime No.24 of 2018



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registered by All Women Police Station, Sankagiri in Salem District on 31.07.2018 under Section 363 IPC on a complaint given by the father of the victim child who apparently has been kidnapped. It is thus seen that even the defacto complainant cannot claim to be above board. The complaint was lodged before the respondent and thereafter, on direction under Section 156(3) Cr.P.C, the FIR had been registered.

6.Taking into consideration that the maintenance case is pending and also all particularly that the defacto complainant is also an accused in yet another case, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7.Accordingly, the 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 No.IV, Salem, on condition that the petitioners shall execute a separate 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:



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[a] 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 1 to 5 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 and the petitioners 6 to 8 shall report before the respondent Police, once in a week, i.e., on every Saturday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioners 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 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.

8. Accordingly, Criminal Original Petition is ordered. Consequently, connected MP is also ordered.

24.01.2024

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