

Crl.O.P.No.12411 of 2019**G.K.ILANTHIRAIYAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 323, 354 and 506(i) of I.P.C in Crime No.415 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant was attacked by the petitioner and the petitioner's relatives with hands. Thereafter, the defacto complainant ran away from the matrimonial home and got admitted in hospital. Hence, a case has been registered by the respondent police.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and the wordy quarrel ended in assault. He would also submit that there are no previous cases pending against the petitioners.

5.Taking note of the facts and circumstances, and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 learned Judicial Magistrate

G.K.ILANTHIRAIYAN, J.

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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 Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 thereafter, as and when required.

[c] the petitioners shall not tamper with the 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/herself 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.

09.05.2019

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CrI.O.P.No.12411 of 2018