



WEB COPY



Crl.OP.No.15790 of 2022

Crl.O.P.No.15790 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 323 IPC and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.128 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is Principal of a Higher Secondary School. The defacto complainant's son, who is studying in the said school, took leave twice without any prior intimation to the school. Thereafter, he took another leave that too without any intimation and when he met the petitioner with the leave form, the petitioner asked for the medical certificate and slapped on his face with a note book. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the



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prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that when the son of the defacto complainant met the petitioner with the leave form, the petitioner asked for the medical certificate and slapped on his face with a note book. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of this case, this Court is 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 learned Judicial Magistrate, Gudalur on condition that the petitioner shall execute a 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



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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 petitioner 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 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 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.**

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State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

08.07.2022

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