



Crl.O.P.No.25410 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 323, 324 and 506(2) of IPC in Crime No.635 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with A1 due to a matrimonial dispute have assaulted the defacto complainant with iron rod. Hence, the case.

3. The learned counsel for the petitioners would submit that the 1st accused is the husband of the defacto complainant and the petitioners are his relatives. Even as per the FIR, the allegation against the 1st accused is that he has assaulted the defacto complainant with iron rod and later he was arrested and enlarged on bail. He would further submit that other than being the relatives of 1st accused there is no specific allegation against other petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that during a matrimonial dispute, the petitioners along with A1 have assaulted



the defacto complainant with iron rod. He would further submit that the injured has been discharged from the hospital. He would further submit that there is no previous case pending as against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also 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.

6. 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 Court, Madhavaram** on condition that the petitioners shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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:



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[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 2 weeks and thereafter on Saturdays at 10.30 a.m., until further orders.

[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.

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