



Crl.O.P.No.25856 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, 294(b), 323 and 506(i) of IPC in Crime No.337 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that due to matrimonial dispute, the accused abused and assaulted her resulting in her sustaining injury. Hence the complaint.

3. The learned counsel for the petitioners would submit that the matrimonial dispute has been exaggerated. He would further submit that earlier, the enquiry was conducted by the respondent police in C.S.R.No.373 of 2022. The petitioners approached this Court in Crl.O.P.No.21940 of 2022 and appeared for enquiry. Thereafter, the respondent police registered the case. Hence, he seeks anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) submits that the first petitioner along with his relatives assaulted the de facto complainant and abused her. He also submits that the investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances and the submissions made on both sides, I am inclined to grant anticipatory bail to the petitioners with certain 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 learned Judicial Magistrate, Polur, on condition that the each of the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty



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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:

[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 first petitioner shall report before the respondent police everyday at 10.30 a.m, until further orders and the other petitioners shall report before the respondent police everyday at 10.30 a.m, for a period of two weeks and thereafter every Saturday 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.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

20.10.2022

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