



Crl.O.P.No.28529 of 2022

A.D.JAGADISH CHANDIRA,J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 294(b), 324, 506(ii) of IPC in Crime No. 375 of 2022, seek anticipatory bail.

2. The case of the prosecution is that, due to previous enmity, petitioners along with other accused had attacked the defacto complainant and also abused in filthy language. Hence, the defacto complainant lodged a complaint before the respondent police.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, false complaint has been lodged against them. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that, there are three previous cases similar in nature pending against the first petitioner and there is no previous cases pending against the second



petitioner. However, he opposed to grant anticipatory bail to the petitioners.

4. Taking into consideration the bad antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner and in respect of the second petitioner, this Court is inclined to grant anticipatory bail with certain conditions.

5. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Paramathy** on condition that the second petitioner 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:



[a] the second 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 second petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter on every Saturday at 10.30.a.m., until further orders.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second 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 petitioners in accordance with law as if the conditions have been imposed and the second 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. 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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Sma

7. Accordingly, this Criminal Original Petition is dismissed in respect of the first petitioner and ordered for the second petitioner.

21.11.2022

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