



Crl.O.P.No.29052 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 324 and 506(ii) in Crime No.516 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Sanathi who is the 2nd wife of A1 is that during a family quarrel, the petitioners have abused her in filthy language and also assaulted her with iron rod resulting in her sustaining grievous injuries. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to a family dispute, a false complaint has been given against them. He would further submit that they have nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Additional Public prosecutor would submit that the defacto complainant is the 2nd wife of the first petitioner. During a family quarrel, the petitioners have abused her in filthy language and also assaulted her with iron rod. He would further submit that the injured has been discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel 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.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of



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fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Omalur, 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:

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

28.11.2022

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