

Crl.O.P.No.31161 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offence under Sections 323 and 328 of IPC in Cr.No. 288 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner is the wife of the defacto complainant and the second petitioner is the mother-in-law of the defacto complainant. There was a family dispute between them and on the date of occurrence the defacto complainant consumed alcohol and he was hospitalized. Further more the defacto complainant suspects that the petitioners had mixed poison in the alcohol. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners is a innocent person and he has been falsely implicated in this case. He would further submit that a false complaint has been given against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on the date of occurrence the defacto complainant consumed alcohol and he was hospitalized. Further more the defacto complainant suspects that the petitioners had mixed poison in the alcohol. Hence, he opposed for grant of anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate-1 at Ulundurpet**, on condition that the petitioners 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 police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 Court concerned 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 as and when required for interrogation.

(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 anticipatory 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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