

Crl.O.P.No.31817 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 323, 324 and 506(i) IPC in Cr.No.240 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 11.12.2022 at about 06.30 p.m., while the defacto complainant was returning home on his two wheeler, the petitioner waylaid him and abused him with filthy language and assaulted him with stones. Due to which, the defacto complainant sustained injuries. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He submits that the petitioner and the defacto complainant are relatives and that there is a case in counter registered against the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner is alleged to have waylaid the defacto complainant and abused him with filthy language and assaulted him with stones. Due to which, the defacto complainant sustained injuries and admitted in the hospital. He would further submit that the injured is still in the hospital. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that the petitioner and the defacto complainant are relatives and that it is a case and a case in counter, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Katpadi** on condition that the petitioner 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:



(a)the petitioner 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 petitioner shall report before the respondent police every Wednesday at 10.30 a.m. for a period of eight weeks and thereafter, appear before the trial Court on all hearing dates.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

23.12.2022

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