

**Crl.O.P.No.3225 of 2023****T.V.THAMILSELVI, J.**

The petitioners, who apprehend arrest for the alleged offence under Section 294(b), 323 and 506(ii) of IPC in Cr.No.2 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 03.02.2023, there was pathway dispute between the petitioners and the defacto complainant's wife due to which, the petitioners had abused her with filthy language and assaulted her with hands. Hence the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that injured sustained only simple injuries. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submits that on 03.02.2023, there was pathway dispute between the petitioners and the



defacto complainant's wife due to which, the petitioners had abused her with filthy language and assaulted her with hands. He further submitted that there was a case and case in counter in F.I.R.No.3 of 2023. However, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the stage of investigation, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Vaniyambadi**, on condition that each of the petitioners shall execute a bond for a sum of **Rs.10,000/- each (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 petitioner in accordance with law as if the conditions have been imposed and the petitioners released on



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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.

14.02.2023

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