



Crl.O.P.No.4455 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 451, 294(b), 323 and 506(i) of IPC in Crime No.39 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the wife of petitioner alleged to have borrowed Rs.37,283/- from the finance, in which, the defacto complainant is an employee and on the demand to repay the same, there arose a altercation in between the parties, as a result of which, the petitioner along with other accused, assaulted the defacto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and in order to evade from the repayment, he has given a false complaint against the petitioner. He would further submit that the petitioner is no way connected with the



Crl.O.P.No.4455 of 2023

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alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the wife of petitioner alleged to have borrowed Rs.37,283/- from the finance, in which, the defacto complainant is an employee and on the demand to repay the same, there arose a altercation in between the parties, as a result of which, the petitioner along with other accused, assaulted the defacto complainant. He would further submit that the injured has been discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and also the submissions made by the learned counsel and the injured has been discharged from the hospital, this court is inclined to grant anticipatory



Crl.O.P.No.4455 of 2023

bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 on every Tuesday at 10.30 a.m., for a period of six weeks;

(c) the petitioner shall not tamper with evidence or



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Crl.O.P.No.4455 of 2023

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 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;

02.03.2023

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Crl.O.P.No.4455 of 2023

T.V.THAMILSELVI, J.

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Crl.O.P.No.4455 of 2023

02.03.2023