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CrI.O.P.No.4945 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC in Crime.No.05 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant G.Jayanthi is that there was a civil dispute between the petitioner and the de facto complainant and that on 31.12.2022 at about 7.00 p.m., the petitioner/accused had entered into her shop and assaulted her with hands and resulting in her sustaining injuries. Later, the petitioner/accused has also criminally intimidated the de facto complainant. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He would further submit that admittedly there are civil dispute



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pending between the parties and the petitioner has got a favorable injunction order from the Court and despite the order, the de facto complainant has attempted to trespass into the shop and there was a quarrel, during which, the de facto complainant is alleged to have assaulted the petitioner. He would further submit that on the complaint given by the petitioner, a case in Crime No.04 of 2023 has been registered against the de facto complainant and only as a counterblast, a false complaint has been foisted by the de facto complaint against the petitioner in Crime No.05 of 2023. He would further submit that it is a case and case in counter. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that there are several litigations pending between the parties, the petitioner has abused and assaulted the de facto complainant. He would further submit that the petitioner is having an



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injunction order in favour of her by this Court. He would further submit that the injured has been discharged from the hospital and it is a case and case in counter. He would further submit that there are three previous cases similar in nature as against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and also the submissions of either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.I, Mayiladuthurai**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees twenty**



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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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[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 bail by the learned Magistrate/Trial



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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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