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CrI.O.P.No.5239 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC in Crime No.29 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant R.Rangasamy is that on 23.01.2023 at about 3.00 a.m., while he was sleeping in his house, due to family quarrel, the accused, who are the daughter-in-law and grand son of the de facto complainant have abused the de facto complainant with filthy languages, assaulted him with wooden log and iron rod, resulting him in sustaining grievous injuries. The accused have also life-threatened the de facto complainant with dire consequences. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence



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as alleged by the prosecution. He would further submit that the de facto complainant, who is the father-in-law of the first petitioner/A1 and grand father of the second petitioner/A2, abused the first petitioner/A1 and thereby, there was a quarrel, during such time, the incident had happened. He would further submit that there is no previous case pending as against the petitioners. He would also submit that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners/accused are respectively daughter-in-law and grand son of the de facto complainant. Due to family quarrel, the petitioners/accused abused the de facto complainant with filthy languages, assaulted him with wooden log and iron rod, resulting him severe injuries in forehead, left hand and left leg. Thereafter, he was admitted in Government Hospital, Salem as an inpatient. After three days, the de facto complainant has discharged from



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the hospital. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

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, the submissions made by the learned Counsel and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif-cum-Judicial Magistrate, Vazhapadi, Salem District**, on condition that each of the petitioner shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two



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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 petitioners 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 petitioners shall stay at Namakkal and report before the Inspector of Police, Namakkal Town Police Station, Namakkal, everyday at 10.30 a.m., for a period of four weeks and thereafter report before the respondent Police every Saturday at 10.30 a.m., until further orders;

[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



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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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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