



Crl.O.P.No.6632 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), 427, 323, 324 and 506(ii) of IPC, in Crime No.56 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the 2nd wife of one Narayanan. The 1st petitioner is the son of the said Narayanan who was born through the 1st wife of the said Narayanan. Due to property dispute, the 1st petitioner along with his wife/2nd petitioner, abused the defacto complainant and her husband with filthy language and also attacked them with hands, rod and wooden log as a result of which, the defacto complainant's husband/the father of the 1st petitioner sustained injuries. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been registered



Crl.O.P.No.6632 of 2023

WEB COPY

against them due to family dispute. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that due to family dispute, the petitioners abused the defacto complainant and her husband with filthy language and also attacked them with hands, rod and wooden log due to which, the husband of the defacto complainant sustained injuries on his head and he suffered five sutures. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



CrI.O.P.No.6632 of 2023

WEB COPY

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 Judicial Magistrate, Denkanikottai**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[b] **the 1st petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders and the 2nd petitioner shall report before the respondent police for a period of one week and thereafter as and when required for interrogation;**



Crl.O.P.No.6632 of 2023

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

28.03.2023

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Crl.O.P.No.6632 of 2023

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Crl.O.P.No.6632 of 2023

28.03.2023