



Crl.O.P.No.7162 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, 506(i) of IPC, in Crime No.79 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Nirmal Kumar who is a practicing Advocate is that on 13.03.2023 at about 12.30 p.m., the petitioner who is a document writer and running office in the upstairs of his office, had abused and assaulted him with stone and name board and also criminally intimidated the defacto complainant and his father. Hence, this case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against her. He further submitted that the defacto complainant and his father are practicing Advocates in Pollachi. On the date of occurrence, the client of the petitioner had parked his bike in front of the adjacent Advocate's office. At that time, the defacto complainant and his father,



Crl.O.P.No.7162 of 2023

abused the petitioner in filthy language and criminally intimidated her.

Further, they had attacked her with scale and walking stick and kicked on her leg due to which, she lost her balance and fell down. Hence, on the complaint given by the petitioner, a case in Crime No.80 of 2023 has been registered against the defacto complainant and his father. He further submitted the defacto complainant and his father have been granted anticipatory bail by this Court in the counter case, in Crl.O.P.No.7446 of 2023 dated 05.04.2023. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the defacto complainant and his father are Practicing Advocates. The petitioner is a Document Writer and having office in the upstairs of the office of the defacto complainant. On the date of occurrence, there was a wordy quarrel between the defacto complainant and the petitioner during which, the petitioner abused and attacked the defacto complainant and also criminally intimidated him and



Crl.O.P.No.7162 of 2023

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his father. Further, based on the complaint given by the petitioner, a counter case has been registered against the defacto complainant and his father in Crime No.80 of 2023 in which, the defacto complainant and his father have been granted anticipatory bail by this Court.

5. The learned counsel for the intervenor/defacto complainant vehemently opposed for grant of anticipatory bail to the petitioner stating that the petitioner who is a document writer, has abused and assaulted the defacto complainant who is a practicing advocate and also criminally intimidated him and also his father.

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

7. Taking into consideration, the facts and circumstances of the case and also of the fact that there is a case in counter against the defacto complainant and his father and that they have been granted anticipatory bail by this Court in the counter case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.7162 of 2023

8. 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 is made ready, before the **learned Judicial Magistrate No.1, Pollachi**, 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 daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



Crl.O.P.No.7162 of 2023

[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].

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

11.04.2023

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Crl.O.P.No.7162 of 2023

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ksa-2

Crl.O.P.No.7162 of 2023

11.04.2023