



Crl.O.P.No.7794 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) and 506(ii) of IPC in Crime No.104 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Shanthi is that the accused has picked up quarrel with her stating that she was responsible for his family dispute and also threatened her to set on fire by opening a cylinder. Hence the case,

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner's wife was having illicit intimacy with one Pragalan and the defacto complainant was instrumental with the relationship and when it was questioned by the petitioner, a false complaint has been given. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (crl.side) for the respondent Police would submit that the petitioner has picked up quarrel with her stating that she was responsible for his family dispute and also threatened her to set on fire by opening a cylinder. He would further submit that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel on either side and perused the entire materials available on record.

6. Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that there is no previous case pending against the petitioner, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned



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Judicial Magistrate No.II, Sankari, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 every day at 10.30 am, 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



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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.

12.04.2023

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