



Crl.O.P.No.9183 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 alleged offences punishable under Sections 285, 338 of IPC and Sections 25(1)(b), 25(1A), 27(1) of Arms Act, 1959 in Crime No. 77 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, Bakkiyaraj, Village Administrative Officer, is that on 18.05.2022, when he was doing field inspection at that time, the petitioner's wife was brought to the hospital for her injury and during enquiry it was informed that the petitioner while repairing his country gun had negligently shot his wife. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been registered against him. He would further submit that the petitioner's wife has got injured when she was sitting near agricultural farm and she sustained injury whereas the persons inimical to the petitioner has given a false complaint as if the petitioner was in possession of a country gun. He would further submit that the petitioner has no bad criminal antecedents



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and he has abide by any stringent condition and co-operate with the respondent police for the investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was in possession of illicit weapon and that on 18.05.2022, he had accidentally fired on his wife and she sustained injuries and later she also recovered from the house of the petitioner. He further submit that the petitioner does not had any criminal background. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both 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 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, Sankarapuram, 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 everyday 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

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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.

02.06.2023

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