



Crl.O.P.No.9618 of 2023

Crl.O.P.No.9618 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324,354 and 506(ii) of I.P.C in Crime No.80 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and defacto complainant are neighbours and there was a dispute between them with regard to fencing the lands, due to which the petitioner attacked the defacto complainant with iron rod and caused injuries to her. Hence the complaint.

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 further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence he seeks



Crl.O.P.No.9618 of 2023

WEB COPY

for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner and defacto complainant are neighbours and there dispute between them with regard to fencing the lands, due to which the petitioner attacked the defacto complainant with iron rod and caused injuries to her. He further submitted that the injured discharged from the hospital. Hence he opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration the facts of the case and the submissions of the learned Counsel for the parties and the fact that the injured discharged from the hospital, 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



CrI.O.P.No.9618 of 2023

WEB COPY

in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate, Srikazhi** 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 stay at Dharmapuri and report before the Dharmapuri Police Station everyday at 10:30 a.m for a period of two weeks and report before the respondent police daily at 10:30 a.m until further orders.



WEB COPY



CrI.O.P.No.9618 of 2023

[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 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;

28.04.2023

smn



WEB COPY



Crl.O.P.No.9618 of 2023

A.D.JAGADISH CHANDIRA, J.

smn

Crl.O.P.No.9618 of 2023

28.04.2023