



Crl.O.P.No.12688 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 alleged offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC and Section 4 of Women Harassment Act, in Crime No. 170 of 2023, seek anticipatory bail.

2. The case of the prosecution is that, on account of dispute regarding taking care of street dogs, there arose a wordy quarrel between the petitioners and the defacto complainant and during the quarrel, the petitioners have assaulted the defacto complainant with iron rod, due to which, the defacto complainant sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submit that the defacto complainant is an aggressor and he had assaulted the petitioners and a false complaint has been given



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against him. He would further submit that on the complaint given by the petitioner's side, a counter case in Crime No.177 of 2023 has been registered by the respondent police for the offence under Sections 447, 294(b), 323, 506(i) of IPC and Section 3 of PPDL Act. It is a fact that the defacto complainant has also caused damaged the articles belonging to the defacto complainant. Therefore, he prays to grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners have assaulted the defacto complainant for taking care of street dogs, on account of which, there arose a wordy quarrel between them, in which, he sustained injuries. He further submitted that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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



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6. Considering the above fact and circumstances of the case and also considering the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 No.II, Tiruvallur**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioners shall appear before the respondent police as and when required for interrogation.

[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.

12.06.2023

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