



Crl.O.P.No.13088 of 2023

Crl.O.P.No.13088 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.,

The petitioners, who apprehend arrest at the hands of the respondent/ Police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No. 74 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to family quarrel, the petitioners have abused and assaulted the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioners submitted that the incident had happened during family quarrel and an exaggerated complaint has been given by the defacto complainant as against the petitioners. He also submitted that the petitioners are ready and willing to furnish sufficient solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for the grant of the anticipatory bail to the petitioners.



Crl.O.P.No.13088 of 2023

WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that due to family quarrel, the petitioners have abused and assaulted the defacto complainant. 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 both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, 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.I, Namakkal** on condition that the



Crl.O.P.No.13088 of 2023

each of the petitioners shall execute a separate 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am., until further orders.

[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;



WEB COPY



Crl.O.P.No.13088 of 2023

[e] 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, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[f] if the petitioners herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. Accordingly, the Criminal Original Petition is ordered.

13.06.2023

mfa



WEB COPY



Crl.O.P.No.13088 of 2023

A.D.JAGADISH CHANDIRA, J.

mfa

Crl.O.P.No.13088 of 2023

13.06.2023