



Crl.O.P.No.13764 of 2023

Crl.O.P.No.13764 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.186 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Gowtham and the defacto complainant are living in the same village. During the temple festival, the said Gowtham assaulted the defacto complainant. Later, the defacto complainant came to know that his wife was also assaulted by the said Gowtham at his house. When the same was questioned by the defacto complainant, the petitioner, along with the said Gowtham, assaulted the defacto complainant and thereby caused injuries to him. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false case has been foisted on account of previous enmity. He further submitted that the petitioner is



Crl.O.P.No.13764 of 2023

ready to abide by any stringent conditions as may be imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side and the fact that the injured has been discharged from 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 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**



CrI.O.P.No.13764 of 2023

Judicial Magistrate, Sendamangalam, 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 law as if the conditions have been imposed and the



WEB COPY



CrI.O.P.No.13764 of 2023

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.

21.06.2023

Lpp



WEB COPY



Crl.O.P.No.13764 of 2023

A.D.JAGADISH CHANDIRA, J.,

Lpp

Crl.O.P.No.13764 of 2023

21.06.2023