



Crl.O.P.No.15251 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offences under Section 294 (b), 323 & 506(1), in Crime No.127 of 2023, on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that in a dispute between the petitioners and the defacto complainant, a false case has been registered against the petitioners. Thus, he prayed for anticipatory bail for the petitioners.

3. In response, the learned Government Advocate (Crl.Side) submitted that on 28.04.2023, at about 2.30 p.m., there is a dispute between the defacto complainant and the accused with regard to drawing of water. Accused had scolded the defacto complainant in filthy language and beaten the defacto complainant. Thus, he prayed for dismissal of the petition.



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4.It is seen from the wound certificate of Parthasarathy that he had suffered two simple injuries and two greivous injuries. Though the injured had been discharged from hospital, considering the nature of the injuries suffered by the defacto complainant, this Court is not inclined to grant anticipatory bail to the first petitioner. However, considering the fact that second petitioner is a woman, this Court is inclined to grant anticipatory bail to the second petitioner. Therefore, the second petitioner is ordered to be released on bail 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 learned Judicial Magistrate, Paramathy**, on condition that the second 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 second petitioner and the sureties shall affix their photographs and Left Thumb Impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the second petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.



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5.Accordingly, this Criminal Original Petition is allowed as against the second petitioner and dismissed as against the first petitioner.

12.07.2023

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