



Crl.O.P.No.15383 of 2023

Crl.O.P.No.15383 of 2023

G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 and 506(ii) of IPC in Crime No.173 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, in a dispute between the petitioners and the defacto complainant with regard to dumping the sand, false complaint has been given by the defacto complainant, based on which, FIR in Crime No. 173 of 2023 was registered for the offences under Sections 294(b), 324 and 506(ii) of IPC. Hence, he seeks for grant of anticipatory bail to the petitioners.

3. In response, learned Government Advocate (Crl. Side) submitted that, accused had dumped the sand in the land of the defacto complainant. When defacto complainant questioned it, at about 09.00.a.m., on 13.05.2023, accused had beaten the defacto complainant and his son with iron rod. As a result, defacto complainant and his son



Crl.O.P.No.15383 of 2023

sustained grievous injuries. He further submitted that, investigation in this case is pending and hence he opposed for grant of anticipatory bail to the petitioners.

4. Considered the rival submissions and perused the records. It is seen from the copy of the accident register that the defacto complainant Ramachandran suffered laceration injuries measuring 5x3x1 cm at the forehead and it required stitches. Similarly his son Karthikeyan also suffered head injuries measuring 5x3x1 cm required stitches.

5. Considering the nature of allegations made in the FIR and the nature of injuries suffered by the defacto complainant, which is serious and grievous in nature, this Court is not inclined to grant anticipatory bail to the 1st, 3rd & 4th petitioners. However, considering the fact that the second petitioner is a women and there is no specific overt act attributed to her in the FIR, this Court is inclined to grant anticipatory bail to the second petitioner alone.



WEB COPY



CrI.O.P.No.15383 of 2023

6. Accordingly, 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 No.I, Attur**, on condition that the second petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 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 as and when required for interrogation;



Crl.O.P.No.15383 of 2023

[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.

13.07.2023

sma



WEB COPY



Crl.O.P.No.15383 of 2023

G.CHANDRASEKHARAN. J.

sma

Crl.O.P.No.15383 of 2023

13.07.2023