



Crl.O.P.No.16613 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely Karimkhon, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 323 IPC r/w 75 of The Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.282 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, petitioner is innocent and he has been falsely implicated in a case registered for the offences under Sections 323 IPC r/w 75 of The Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.282 of 2023. It is his further submission that, defacto complainant's son namely Keerthivasan (minor) aged 10 years, is slightly low in IQ. Therefore, the child's father brought him to the petitioner, for teaching him karate. Petitioner had taught him Karate and took him to several competitions. However, mother of the child/defacto complainant gave false complaint against the petitioner, stating that, petitioner had hit the child. The allegations made against the petitioner in the first information report is totally false. In support of his submission, he produced the



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sworn affidavit by the child's father namely Vignarajan. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Criminal side) submitted that, during Karate lessons, the child got injured. If petitioner was careful, the injury would not have been caused to the boy. Therefore, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records.

5. It is seen from the first information report allegations that, defacto complainant herself admitted that, her son's IQ level is below average. Therefore, she joined him for Karate lessons under the petitioner. Earlier during the karate training session, her son suffered injury, because of the alleged beating by the petitioner. Again her son suffered injury, because of the alleged beating by the petitioner on 25.06.2023.

5.1. It is seen from the first information report that, the boy



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suffered injury during karate lessons. However, in the affidavit filed by the child's father Vignarajan shows that, his son was admitted to Karate lessons, only to develop both his physical and mental strength. There is no material available to show that, petitioner had deliberately hit the boy. Maybe during karate training session, the boy may have suffered injury.

6. Considering the nature of the incident and the fact that there is no incriminating material available against the petitioner to show that petitioner had deliberately hit the child and that material part of the investigation might have been over by this time, this Court is inclined to grant anticipatory bail to the petitioner for the reason that custodial interrogation of the petitioner is not necessary and petitioner is 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-I, Mayiladuthurai**, on condition that the petitioner shall execute separate 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



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Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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 daily at 10.30.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 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.

04.08.2023



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