



Crl.O.P.No.17731 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners/A1&A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 448, 323, 324, 427 and 506(ii) of IPC, in Crime No.231 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the due to family dispute, there was a wordy quarrel between the petitioners and the defacto complainant, the petitioners have assaulted the defacto complainant with wooden log, as a result of which, he sustained multiple injuries over the body. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, he has been falsely implicated in this case. He would further submit that he has not involved any offence as alleged by the respondent police. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the injured person has been discharged from the hospital and the investigation is almost completed and there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

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 and the submissions made by the learned counsel on either side and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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, Sendamangalam**, on condition that the



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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 petitioners 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 petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.231 of 2023 before the concerned Magistrate within a period of four weeks from the date of receipt of copy of this order and no further extension will be granted to the petitioner;

[c]the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 petitioners 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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