

**Crl.O.P.No.18163 of 2023****RMT.TEEKAA RAMAN, J.**

The petitioners/3&4, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 174 of Cr.P.C and subsequently altered into 306 of IPC in Crime No.79 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the first petitioner is the mother-in-law and the second petitioner is the relative of A1 and A2. Prior to this occurrence, there is a frequent wordy quarrel between the husband and wife. The de-facto complainant's father-in-law try to misbehave with her and she was successfully escaped from his attempt by pushing him down on the floor, due to that, he sustained head injury. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners were innocent and they were falsely implicated in this case. A1 and A2 were arrested and remanded to judicial custody. Subsequently they were enlarged on bail by this Court in Crl.O.P.No.13049 of 2023 dated 13.06.2023. Hence, he prayed for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that there is a wordy quarrel between the husband and wife, the de-facto complainant's father-in-law try to misbehave with her and she escaped from that attempt, during this quarrel, the father-in-law sustained head injury. A1 and A2 were arrested and remanded to judicial custody. Subsequently, they were enlarged on bail by this Court in Crl.O.P.No.13049 of 2023 dated 13.06.2023. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners 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 District Munsif Cum Judicial Magistrate, Uthangarai, on condition that the petitioners shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 report before the respondent Police everyday at 10.30 a.m., for a period of six weeks;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;



[d] the petitioners 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 petitioners 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

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