



Crl.O.P.No.23407 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner herein seeks anticipatory bail in Crime No.131 of 2023 registered by the respondent Police for the offence under Sections 294(b) and 307 IPC.

2. The learned counsel for the petitioner stated that he has been falsely implicated as an accused in this case. He is innocent. It is further stated that both the petitioner and the defacto complainant are living together. Thus, he seeks bail to the petitioner.

3. The learned Government Advocate (Criminal side) states that the defacto complainant is the wife of the petitioner. It is stated that there was a dispute between them, which led to quarrel and escalated into violence and assault, necessitating the defacto complainant to lodge a complaint, on the basis of which first information report had been registered. It is further stated that both the petitioner and the defacto complainant are living together and the injured had been discharged from the hospital. However, he prays for dismissal of this petition.



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4. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sendhamangalam**, on condition that the 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 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.



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[b] the petitioner shall report before the respondent Police, daily at 10.00 a.m., for a period of one week and thereafter, as and when required for interrogation.

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

[d] the 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 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;

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