



Crl.O.P.No.28907 of 2023

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P. DHANABAL,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 506(i) IPC r/w Section 4 of Women Harassment Act in Crime No.360 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 07.12.2023 there was a wordy quarrel between the petitioner and the defacto complainant, due to which, the petitioner and other accused persons assaulted and abused the defacto complainant in filthy language and also attacked him. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. Hence, he sought for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate submitted that the injured has been discharged from the hospital and there is no previous case against the petitioner herein.

5. Considering the rival submissions on either side and considering the injured discharged from the hospital and except 506(ii)



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IPC all other offences are bailable in nature and in view of above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the 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 District Munsif cum Judicial Magistrate, Cheyyur, 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

29.12.2023

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