



Crl.O.P.No.29080 of 2023

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P.DHANABAL, J.

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 324, 506(ii) of I.P.C and Section 4 of Women Harassment Act in Crime No.272 of 2023 on the file of the respondent Police, seeks Anticipatory Bail.

2. The case of the prosecution is that there is a rivalry between the husband and the wife, resulting in which, the de-facto complainant sustained injuries. Hence the complaint.

3. The learned Counsel for the petitioners would contend that the petitioners are innocent and due to previous enmity, a false case has been foisted against them. He would further submit that the injured sustained only simple injuries and hence, seeks Anticipatory Bail.

4. The learned Government Advocate (Crl. Side) would submit that the de-facto complainant was admitted in the hospital for three days and also got discharged from the hospital and objected to grant Anticipatory Bail to the petitioners.



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WEB COPY 5. Heard both the sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offences and also considering that already injured was admitted and 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, Perundurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either



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during investigation or trial.

WEB COPY [c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

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

28.12.2023

tsg/grs



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