



Crl.OP.No.29174 of 2023

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P.DHANABAL, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 & 506(ii) of IPC in Crime No.356 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are wife and husband due to domestic quarrel between them, the petitioner had assaulted the defacto complainant and abused with filthy language. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and as the petitioner refused to execute the document of his two houses in favour the defacto complainant, she has given a false complaint against him. Hence he seeks anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that



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the petitioner attacked the defacto complainant and caused injuries. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the rival submissions on either side and considering the fact that the injured was discharged from the hospital and the offences charged against the petitioner and also considering the fact that except 506 (ii) of IPC, other offences are bailable in nature, 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 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, Valapady, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the



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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., for a period of thirty days 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



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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.

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