



Crl.O.P.No.11437 of 2024

Crl.O.P.No.11437 of 2024

WEB COPY

K.KUMARESH BABU., J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(i) of Indian Penal Code in Crime No. 132 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the complainant and the petitioners are father and son, they built a house using the lease amount earned from coconut farm and lived as joint family with their sons and a physically challenged daughter, younger son and a daughter-in-law. The complainant made an allegation before the Learned Principal District and Session Court, Karimangalam that his first son, the petitioner and his wife harassed him, and used unparliamentary words and assaulting them, demanding them to leave the house, but the defacto complainant refused, stating that it was a joint family property. However, the respondent police, without conducting any proper enquiry, filed a case against the petitioner in Crime No.132 of 2024

3. It is stated that the petitioners have been falsely implicated and they have not committed any offence. Only with a view to harass the petitioners, a false complaint was logged and the FIR was registered only for the statistical purpose.



4. It is stated that the petitioners are ready to abide any condition that may be imposed by this Hon'ble Court and ready to furnish substantial sureties to the satisfaction of the Trial Court. Hence, the petitioners seeks anticipatory bail in the event of his arrest and pending enquiry in Cr.No.132 of 2024 on the file of the respondent police.

5. Taking all the factors into consideration and also the fact that no similar petition filed or pending before the Sessions Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 Principle District and Sessions Court, Karimangalam on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of this Court 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.



Crl.O.P.No.11437 of 2024

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., and thereafter, as and when required for interrogation.

[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.

09.05.2024

msv



WEB COPY



Crl.O.P.No.11437 of 2024

K.KUMARESH BABU., J.

msv

Crl.O.P.No.11437 of 2024

09.05.2024