



Crl.O.P.No.13105 of 2024

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T.V.THAMILSELVI, J.

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The petitioners, who apprehends arrest for the alleged offence punishable under Sections 294(b), 323, 506(1) IPC in Crime No.91 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that A2's father in law tied the cow away from road side. The defacto complainant's husband one Nesaraj is also living in the same street that of the petitioners. The said Nesaraj came by a two wheeler in a drunken mood and had skid and dashed against the cow. Thereafter the said Nesaraj came to the petitioners' house and shouted at the petitioners and their family members in filthy language. He assaulted A2's mother in law and A1. Both A1 and A2 sustained injury and fell unconscious. Hence the complaint was registered against the accused Nesaraj. Thereafter counter case was lodged by the defacto complainant alleging that being a pregnant women she sustained injuries and was hospitalized.



3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and they have not committed any such offence as alleged by the prosecution. The petitioners have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submit that defacto complainant's husband and both accused had wordy quarrel between them. Due to that they assaulted each other. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the **learned Judicial Magistrate, Arrakkonam** on condition that the



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petitioners 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 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.

[b] the first petitioner is directed to report before the respondent police on every Saturday at 10.30am., for a period of eight weeks and thereafter, as and when required for interrogation; the Second petitioner is directed to report before the respondent police 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.



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

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