



Crl.O.P.No.27846 of 2024

A.D.JAGADISH CHANDIRA, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 118(1), 351(3) of BNS, 2023, in Crime No.298 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, Maharajan is that the accused, who came in a two-wheeler, had intercepted the defacto complainant's car and taken video of him and abused him in filthy language and assaulted him with his helmet resulting him in sustaining grievous injuries and during that time, the second accused who is the wife of the first accuse had instigated him to assault the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is the wife of the first accused. The petitioner along with her husband were travelling in a two-wheeler and the defacto complainant had driven the car in a rash and negligent manner had



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attempted to hit them and when it was questioned by the petitioner's husband, the defacto complainant had abused her and her husband in filthy language and during such time, there was a scuffle and the defacto complainant had assaulted the petitioner's husband first resulting him in sustaining injuries. On the complaint given by the petitioner's husband, a case in Crime No.297 of 2024 has been registered against the defacto complainant and as a counter, the defacto complainant has given a false complaint implicating the petitioner also. He would further submit that the petitioner's husband was arrested and later released on bail. He would further submit that neither the petitioner nor her husband has any previous case pending against them and the incident had happened during a quarrel and there was no premeditation. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side), while opposing the grant of anticipatory bail, would submit that the petitioner along with her husband had abused the defacto complainant in filthy language and the petitioner's husband assaulted the defacto complainant with his helmet resulting him in sustaining grievous injuries and later, he has been discharged from the hospital. He would further submit that the petitioner's husband has been arrested and he has been later released on bail.



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5. The learned counsel appearing for the defacto complainant/intervenor would vehemently oppose for the grant of anticipatory bail stating that the petitioner is the person who was instigated her husband to assault the advocate resulting in the incident. He would further submit that the defacto complainant sustained grievous injuries and he has been hospitalized for more than 10 days.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Considering the facts and circumstances, the submissions made by the learned counsel on either side and there is a case and case in counter and also taking into consideration the fact that the injured has been discharged from the hospital and that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail with certain conditions.

[a] 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 **Judicial Magistrate Court – I, Alandur**, on condition that the petitioner shall execute a bond for



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a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks 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 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 269 BNS.

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