



Crl.O.P.No.28994 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2) and 351(2) of BNS, subsequently, altered into Sections 296(b), 118(3), 125, 351(3) and 105 of BNS in Crime No.138 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant one Antonimary lodged a complaint stating that on 10.07.2024, the petitioner along with other accused had abused her husband in filthy language, due to which, a wordy quarrel arouse, thereby, the petitioner and other accused assaulted the defacto complainant's husband with sharp knife (vanguaruva) on his head and with stones. Thereafter, the defacto complainant's husband was admitted in hospital and subsequently, succumbed on 23.07.2024. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has been falsely implicated, based on a false complaint given by the defacto complainant. He would further submit that the



petitioner is 94 years old and the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for the grant of anticipatory bail to the petitioner, submitted that the petitioner and her son, who is the other accused, picked up a quarrel with the defacto complainant's husband, thereby abused and assaulted the husband of the defacto complainant using sharp knife on his head and stones, thereby he sustained grievous injuries and subsequently, succumbed in hospital. He would further submit that the main accused was arrested and the allegation against this petitioner is that, she had assaulted the defacto complainant's husband using stones. He would further submit that the the investigation also completed and the petitioner has also appeared for the investigation.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.



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6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the investigation is completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 District Munsif Cum Judicial Magistrate Court, Neyveli** 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 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.



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[b] the petitioner shall report before the learned Judicial Magistrate, Neyveli on all working days at 10:30 a.m., for a period of two weeks, thereafter, the dates fixed by the Magistrate concerned.

[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 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 269 B.N.S.

20.11.2024

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