



Crl.O.P.No.19327 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 149, 294(b), 323, 506(i) and 436 of IPC, in Crime No.141 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant in filthy language and also assaulted her with hands and caused injuries. Thereafter, A7 set fire on the house of the defacto complainant and thereby caused damage to the tune of Rs.40,000/-. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioners.



CrI.O.P.No.19327 of 2022

WEB COPY

4. The learned Government Advocate (CrI.side) would submit that there are totally 7 accused in which the petitioners are arrayed as A2, A3, A6 and A7. The petitioners assaulted the defacto complainant with hands and also set fire on the house of the defacto complainant and caused damage to the tune of Rs.40,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall pay a sum of **Rs.40,000/-** (Rupees Forty Thousand only) **jointly**, to the defacto complainant directly, by way of a Demand Draft, within a period of two weeks from the date of receipt of a copy of this order and on receipt of acknowledgement for the same, 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 Judicial Magistrate, Harur, Dharmapuri District, on condition



Crl.O.P.No.19327 of 2022

that each of the 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 petitioners shall pay a sum of Rs.40,000/- (Rupees Forty Thousand only) jointly, to the defacto complainant directly, by way of a Demand Draft, within a period of two weeks from the date of receipt of a copy of this order.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m, for a period of three weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



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Crl.O.P.No.19327 of 2022

G.K.ILANTHIRAIYAN, J.

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[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

16.08.2022

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Crl.O.P.No.19327 of 2022