



Crl.O.P.No.20583 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 427, 448 & 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.636 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to some property dispute, the petitioner picked up quarrel with the defacto complainant, attacked her and demanded to give a portion of the disputed property. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant is none other than the own sister of the petitioner and no one sustained injuries in the said quarrel. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to some property dispute, there arose a wordy quarrel between the petitioner and the defacto complainant, in which the petitioner abused and assaulted the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the defacto complainant.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall file an undertaking affidavit before the Trial Court that he will not indulge in any similar offence further and on such filing, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.1, Kancheepuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only)



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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.

[b] the petitioner shall file an undertaking affidavit before the Trial Court that he will not indulge in any similar offence further, if violated, the respondent police is directed to secure the petitioner and proceed in accordance with law.

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

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

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

[f] On breach of any of the aforesaid conditions, the learned

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Anu



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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]**.

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

29.08.2022

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