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Crl.O.P.No.21399 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 355 & 324 of IPC @ 294(b), 323, 355, 324 & 342 of IPC read with Section 4 of TNPHW Act in Crime No.215 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to quarrel on account of the enmity between the neighbours, the petitioners assaulted the *de-facto* complainant with slippers and stones resulting in the *de-facto* complainant losing her two teeth. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and that a false complaint is given as against them. He would further submit that the *de-facto* complainant, who is an Advocate by profession has abused the petitioners and there was a quarrel and the *de-facto* complainant had also assaulted the



Crl.O.P.No.21399 of 2022

petitioners with stones resulting in the petitioners sustaining injuries.

Based on the complaint given by the petitioners, a case was registered as against the *de-facto* complainant in Crime No.216 of 2022 for the offences under Sections 294(b), 323, 355, 324 and 506(2) of IPC. He would further submit that it is case and a case in counter and thereby seeks for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that it is a case and case in counter. The petitioners who are neighbours of the *de-facto* complainant have abused, assaulted her with slippers and stones, resulting in sustaining injuries and she has lost her two teeth. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned counsel appearing for the intervenor would submit that this is a 2nd occasion wherein the petitioners have assaulted the *de-facto* complainant. As a result the *de-facto* complainant has lost her two teeth and has spent about Rs.40,000/- for medical expenses.



Crl.O.P.No.21399 of 2022

WEB COPY

6. At this juncture, the learned counsel appearing for the petitioners without prejudice would submit that the petitioners are prepared to jointly pay Rs.15,000/- towards the medical expenses of the *de-facto* complainant. He would further submit that the *de-facto* complainant abused her profession as an advocate is continuously indulging in fight with the petitioners.

7. Heard the learned counsels. Taking into consideration the facts and also the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. It is made clear that since the petitioners have made a deposit of Rs.15,000/- jointly, it may not amount to admission of guilt by the petitioners.

8. Accordingly, the petitioners shall deposit an amount of Rs.15,000/- (Rupees Fifteen Thousand Only) jointly to the credit of the Crime No.215 of 2022 and on the production of necessary proof by the



Crl.O.P.No.21399 of 2022

WEB COPY

de-facto complainant, the trial Court shall release the same in the favour of the *de-facto* complainant and on such deposit, 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, Dharapuram, on condition that the each of the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 deposit an sum of Rs.15,000/- (Rupees Fifteen Thousand Only) jointly to the credit of the Crime No.215 of 2022 and on the production of necessary proof by the *de-facto* complainant,



Crl.O.P.No.21399 of 2022

the trial Court shall release the same in the favour of the *de-facto* complainant.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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.

[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]**.

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

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