



Crl.O.P.No.21463 of 2022

A.D.JAGADISH CHANDIRA, J.,

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) of IPC and section 4 of TNPWH Act in Crime No.525 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners abused her with filthy language and assaulted her with hands and attempted to outrage her modesty. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to rivalry in conducting the shop a false complaint has been given. The petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4. The learned Government Advocate (Crl.side) would submit that the defacto complainant is a vegetable vendor, when she had come back from home she had found Rs.4,000/- was missing from her shop, when it was questioned the accused assaulted her with hands. However, he would submit that the defacto complainant was treated as out patient.

5. Taking into consideration the facts and circumstances of the case



and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.II, Salem, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 first petitioner shall report before the respondent Police daily at at 10.30 a.m., until further orders and the petitioners 2 and 3 shall report before the respondent police daily at 10.30am and 5.30pm until further orders.

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

[d] the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

07.09.2022

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