



Crl.O.P.No.21914 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, 324 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in C.C.No.232 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto complainant are brothers. Due to family dispute, the petitioners abused the defacto complainant, intimidated him and also assaulted him. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are husband and wife. The defacto complainant is brother of the first petitioner. He would further submit that there was a family quarrel arose between them and on the complaint given by the petitioners, a counter case has also been registered against the defacto



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complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that it is a case in counter and both the cases have been charge sheeted and the case have been taken up in C.C.No.232 of 2022 on the file of the V Metropolitan Magistrate, Egmore. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Heard both the learned counsels and perused the materials available on record.

6.Taking into consideration the facts and the submissions of the learned counsels and it is a counter case on account of family dispute, the investigation has been completed and the final report has also been filed and hence, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;



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7.Accordingly, 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 V Metropolitan Magistrate, Egmore on condition 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 report before the learned V Metropolitan Magistrate, Egmore on all working days at 10.30 a.m., for a period of two weeks and thereafter on all hearing dates fixed by the trial Court;



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[c] the petitioners shall not tamper with evidence or witness during trial;

[d] the petitioners shall not abscond during 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 229A IPC;

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