



Crl.O.P.No.21681 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 of IPC and Sections 7 and 8 of POCSO Act in Crime No.380 of 2022, seek anticipatory bail.

2. The case of the prosecution is that during the quarrel, the petitioners have grabbed the minor victim girl and pulled down her, which was questioned by her mother, the petitioners have abused her in filthy languages and also threatened her. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are neighbours. Since there was a quarrel and dispute between them, a false complaint has been given against the petitioners. Hence he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that due to wordy quarrel, the petitioners grabbed the hands of the victim girl and pulled down her, which was questioned by her mother, the petitioners have abused her in filthy languages and also threatened her. 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, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

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 Judicial Magistrate, Omalur, Salem on condition that each of



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the petitioners shall execute a 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 stay at Dharmapuri and report before the Inspector of Police, Dharmapuri Town Police Station every day at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent Police every Saturday at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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



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[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 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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