



Crl.O.P.No.21963 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 offence punishable under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act in Crime No.286 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint against the petitioners due to previous enmity, the petitioners picked up quarrel with the defacto complainant and assaulted him and caused injuries to him. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners have been earlier granted anticipatory bail by this Court in Crl.O.P.No.179 of 2022 on 06.01.2022. Due to paucity of funds, they were unable to deposit the amount in time and the order has got lapsed. Hence, they filed this present petition seeking for anticipatory



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bail.

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4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners were already granted anticipatory bail. He further submit that they failed to deposit the amount and produce the sureties within time and thereby the earlier order has lapsed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.In reply, the learned counsel for the petitioners would submit that the petitioners apart from the amount already directed to be deposited are also ready to deposit an amount of Rs.2,000/- to any welfare scheme of the Government and prays for grant of anticipatory bail to the petitioners.

6.Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7.Taking into consideration the facts of the case and the



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submissions made by the learned counsel and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.2,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, each of the petitioners are directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of **Taluk Legal Services Authority, attached to the concerned Court** and also deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of **Crime No.286 of 2021** as ordered in Crl.O.P.No.179 of 2022 and on such receipt and on receipt of proof of payment, 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, Tiruvarur on condition that each of 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



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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] each of the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime No.286 of 2021 and the victim is permitted to withdraw the same within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[b] 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.

[c] the petitioners 1 and 2 shall report before the respondent police on every Saturday at 10.30 a.m., until further orders and 3<sup>rd</sup> petitioner shall report before the respondent Police as and when required for interrogation.

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



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[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]**;

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

**12.09.2022**

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