



Crl.O.P.No.22026 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(ii) of IPC in Crime No.191 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioner abused the defacto complainant in filthy language and assaulted him and also threatened him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that due to civil dispute, the petitioner abused the defacto complainant in filthy language and assaulted him with



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wooden log and caused injuries. He would further submit that the injured has been discharged from the hospital and it is a counter case. However, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Vepanthattai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties 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:



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[a] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter every Saturday at 10.30 a.m, until further orders;

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

[d] the petitioner 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]**;



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

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The Criminal Original Petition is listed today under the caption “for being mentioned”.

2. The learned counsel appearing for the petitioner would submit that this Court, by an order dated 13.09.2022, has ordered this petition. However, in para 1 of the order copy, the alleged offences has been mentioned as Sections 294(b), 323 and 506(ii) of IPC instead of Sections 294(b), 323 and 506(ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Women Harassment Act. Hence, he prayed for suitable directions.

3. Considering the above submission, the error is corrected and the para 1 of the order shall be read as follows:

“The petitioner/A3, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323 and 506(ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of



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Women Harassment Act in Crime No.191 of 2022 on the
file of the respondent Police, seeks anticipatory bail."

4. Registry is directed to issue a fresh order copy and the time
already granted by this Court is extended for a period of two weeks from
20.03.2023.

16.03.2023

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