



Crl.O.P.No.22408 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 and 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.740 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 28.08.2022, the petitioners have abused the defacto complainant in a filthy language, assaulted her and also threatened her with dire consequences.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and that a false complaint has been foisted against them. Earlier the defacto complainant had given a complaint against them in respect of which, a case in Crime No.159 of 2021 is pending investigation on the file of the CCB Police. In that compliant, the defacto complainant had referred to about a civil dispute



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in order to stall the investigation and the CCB Police, did not take any action, a false complaint has been given before the respondent Police.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners have cheated the defacto complainant in respect of which on the complaint given by the defacto complainant, a case in Crime No.159 of 2021 has been registered by the CCB Police and investigation is pending. During their retirement age, the petitioners have abused her, assaulted her and also intimidated her. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners with certain conditions.

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 days from the date on which the order copy made ready, before the learned



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District Munsif cum Judicial Magistrate, Madhavaram, Chennai 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 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 respondent police daily at 10.30 a.m., 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;



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[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;

16.09.2022

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