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Crl.O.P.No.22829 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 & 506(ii) of IPC in Crime No.403 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to illicit intimacy between the wife of the *de-facto* complainant and one Alagu/A1, son of these two petitioners, physical altercation has taken place on 19.01.2022, wherein, the *de-facto* complainant has sustained injuries and got admitted in the hospital and given a complaint.

3. The learned counsel for the petitioners would submit that the petitioners were granted anticipatory bail by this Court in Crl.O.P.No.18676 of 2022 vide Order dated 08.08.2022 with a condition to surrender within a week. However, since the petitioners were unable to surrender and execute the sureties, thereby the Order got lapsed.



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Hence, he prays to grant anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to illicit intimacy between the wife of the *de-facto* complainant and one Alagu/A1, son of these two petitioners, physical altercation has taken place on 19.01.2022, wherein, the *de-facto* complainant has sustained injuries and got admitted in the hospital and given a complaint. He would further submit that the injured was discharged from the hospital soon after providing first aid. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the each of the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) as cost to the **Tamil Nadu State Legal Services Authority, Chennai** and on such payment, the



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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 Court, Omalur, on condition that the each of the petitioners shall execute a separate 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] each of the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) as cost to the **Tamil Nadu State Legal Services Authority, Chennai** and the acknowledgment for the same shall be produced before the learned Magistrate concerned at the time of execution of bond.



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[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

21.09.2022

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