



CrI.O.P.No.22725 of 2022

A.D.JAGADISH CHANDIRA, J.,

The petitioners, who apprehends arrest for the alleged offences under Sections 147, 294(b), 323, 324, 506(ii) of IPC r/w. Section 4 of Woman Harassment Act in Crime No.344 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she was in love with one Charles for the past two years and prior to six months there was misunderstanding between them and they have split. Whiles, the elder brother of the said Charles and one John had been abusing the defacto complainant. On 05.09.2022, the family members of the said John had gone to the house of the defacto complainant and assaulted her indiscriminately and also torn her clothes. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given against the petitioners. He would submit that A4/Charles has been arrested and enlarged on bail by the XXIII Metropolitan Magistrate Court, Chennai. The petitioners are ready to appear before the respondent police and cooperate for investigation.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to dispute regarding love affair, the petitioners had gone to the house of the defacto complainant and assaulted and abused her with filthy language. A1 had cut the defacto complainant with knife resulting in her sustaining injuries and she had been given 8 sutures. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) and perused the FIR.

6. On perusal of the FIR, I am of the opinion that A1 is stated to have inflicted injuries with knife on the head of the defacto complainant, I am not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed in respect of the first petitioner.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner 2 to 4 subject to the following conditions :



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8. Accordingly, the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the XXIII Metropolitan Magistrate, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 2 to 4 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 2 to 4 shall report before the respondent police daily at 10.30am until further orders.

[c] the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 to 4 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 abscond, a fresh FIR can be registered under

Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

20.09.2022

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20.09.2022