



Crl.O.P.No.23429 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), 341, 323, 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.173 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on account of civil dispute, the petitioners had intimidated, abused and assaulted the defacto complainant with wooden log, due to which, she had sustained injuries. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged offence. He would further submit petitioners and the defacto complainant are neighbours and there is civil suit pending between them in OS.No.100 of 2015 and it was dismissed by the District Munsif Court,



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Mannargudi. Thereby, in order to wreck the vengeance, the defacto complainant had foisted a false case against the petitioners. He would submit that the petitioner is aged about 80 years and the entire family members have been implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that the petitioners and the defacto complainant are neighbours and that due to civil dispute, the petitioners had assaulted the defacto complainant with wooden log, due to which, she had sustained injuries. The injured has been discharged from the Hospital and there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and submission made by the learned counsel and also taking note of the fact that there is no previous case as against the petitioners and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. Accordingly, 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, Tiruthuraipoondi** on condition that 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] the first petitioner shall report before the respondent police as and when required for interrogation and second and third petitioners shall report before the respondent police every day at 10.30 am for a period of two weeks and thereafter as and when required.



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

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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]***; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

27.09.2022

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