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Crl.O.P.No.23456 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, 452 & 506(ii) of IPC, 1860 and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 in Crime No.178 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours and due to dispute regarding drainage, the petitioners had intimidated, abused and assaulted the defacto complainant. 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 that originally the defacto complainant had assaulted the petitioners and thereby, a case has been registered against the defacto complainant in Crime No.177 of 2022.



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Later, as a counter blast, the defacto complainant has foisted a false case against the petitioners. He would submit that there is no previous case as against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that it is a case in counter and both parties are neighbours. On account of dispute over drainage, the petitioners had assaulted the defacto complainant with hands. He would further submit that defacto complainant has been treated as outpatient and there is no previous case as 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, 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 District Munsif cum Judicial Magistrate, Madathukulam** 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 petitioners shall report before the respondent police every day at 10.30 am for a period of four weeks and thereafter every Saturday at 10.30 am until further orders.



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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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