



Crl.O.P.No.25401 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 147, 148, 294(b), 448, 366, 323, 506(i), 354(A)(ii) of IPC read with Section 4 of TNPWH Act, 1998 in Crime No.261 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to illegal intimacy of the de facto complainant with the sister of the accused/A3, the accused have kidnapped the de facto complainant in a car and took him to a secured place in a forest area and assaulted the de facto complainant. On hearing his voice, the wife of the de facto complainant has also rushed to the place, where she was also assaulted. Hence the complaint.

3. The learned counsel for the petitioner would submit that a case of family dispute has been exaggerated. He would also submit that the second petitioner's daughter namely Thavamani is a widow and de facto complainant, who is working as a driver in a School bus had developed



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illegal intimacy with her and when it was questioned by the petitioners, a false complaint has been lodged. It is further submitted that the injured has been discharged from the hospital. Hence he seeks to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) submitted that the petitioners have kidnapped the de facto complainant for having illegal intimacy with one of his family members and when it was questioned, a complaint was given. He would further submit that the second petitioner's daughter had already given a complaint against the de facto complainant in respect of which, a case in crime No.260 of 2022 has been registered by the respondent police. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and submission that it is a family dispute, I am inclined to grant Anticipatory Bail with certain conditions.



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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 Judicial Magistrate, Thandarampet, 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] the petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders.

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



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[d] the petitioners 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.

19.10.2022

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