



Crl.O.P.No.25661 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), 324 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.571 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the de facto complainant are neighbours and one Sakthivel and Kathirvel, who are the sons of the de facto complainant came in a drunken state and caused damages to the first petitioner's two wheeler and there was a wordy quarrel between the petitioners and the de facto complainant and the petitioners assaulted the defacto complainant and her sons and caused simple injuries. Hence the complaint.



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3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated by the respondent police. He would further submit that it is the de facto complaint sons who had started quarrel with the petitioners and it is case and case in counter and on the complaint given by the first petitioner, a counter case in Crime No.570 of 2022 has been registered against the opposite party and only as a counterblast, a false complaint has been foisted against the petitioners. Hence he seeks to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that, due to a dispute with regard to the damages caused to the first petitioner's two wheeler, the petitioners have picked up a wordy quarrel with the de facto complainant and her sons, wherein they had assaulted each other. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Heard both sides and perused the materials available on record.

6. Taking into consideration of the facts and submission that it is a case and case in counter and further on the complaint given by the first petitioner, the counter case was also registered in Crime No.570 of 2022, this Court is inclined to grant Anticipatory Bail with certain conditions.

7. Accordingly, the petitioner 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 XV Metropolitan Magistrate at George Town, Chennai**, on condition that each of the petitioner shall execute a 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 conditions that:



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[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., for a period of two weeks and thereafter every Saturday at 10.30 a.m., for interrogation, until further orders.

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

[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]**.



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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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