



Crl.O.P.No.26149 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), 324, 427, 379 and 506(ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.168 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute pertaining to construction of fencing, the petitioners abused and assaulted the de facto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that due to civil dispute, the petitioners had abused and assaulted the de facto complainant. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Mr.Ramachandran, the learned counsel for the intervenor would submit that there was a civil dispute, where the petitioners have taken law into their hands and have brutally assaulted the de facto complainant. He would further submit that stringent condition may be imposed on the petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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8. 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, Cheyyur**, on condition that each of the petitioner 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 stay at Vellore and report before the Inspector of Police, Vellore Town Police Station, Vellore, everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., before the respondent Police until further orders; However, it is made clear that the petitioners shall not enter into the**



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jurisdictional limits of the respondent police for a period of two weeks;

[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]**.

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

28.10.2022

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