



Crl.O.P.No.27652 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 IPC and Section 4 of Prohibition of Harassment of Women Act, 2002 in Crime No.653 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Nallammal is that, due to previous enmity, the petitioner along with other accused had attacked the defacto complainant and also abused her in filthy language. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and due to previous enmity false case has been lodged against the petitioner. He would further submit that, on the complaint given by the petitioner against the defacto complainant, case in Crime No.652 of 2022 has been registered. Hence he seeks to



Crl.O.P.No.27652 of 2022

grant anticipatory bail in respect of the petitioner.

4. The learned Additional Public Prosecutor would submit that, due to previous enmity, on account of civil dispute, the petitioner had picked up a wordy quarrel with the defacto complainant and also assaulted him. He would further submit that this is a case and case in counter. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and submission that and also considering that it is a case and case in counter, this Court is inclined to grant Anticipatory Bail with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsiff Cum Judicial Magistrate Court, Madhavaram on condition that the 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



Crl.O.P.No.27652 of 2022

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 petitioner 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 petitioner shall stay at Tindivanam and report before Tindivanam Town Police Station twice daily at 10.30.a.m., for a period of four weeks and thereafter report before the respondent police on every Saturday at 10.30.a.m., until further orders.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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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Crl.O.P.No.27652 of 2022



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Crl.O.P.No.27652 of 2022

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

24.11.2022

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Crl.O.P.No.27652 of 2022