



Crl.O.P.No.28133 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 & 307 IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.266 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Sakthivel is that there was a dispute between the defacto complainant and the accused. Due to which, the administrators of the temple have excommunicated the defacto complainant's family and refused to stop the temple car in front of his house and when it was questioned, the accused have assaulted the defacto complainant and his brother with knife, iron rods and wooden log resulting in the defacto complainant and his brother sustaining grievous injuries on the head. Hence, the case.



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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and the incident had happened during the temple festival. He would submit that on the date of occurrence, the defacto complainant, and others in drunken mood have abused the petitioners and there arose a wordy quarrel. He would further submit that the co-accused have been arrested and released on bail in Crl.O.P.No.28377 of 2022. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the incident had happened while the temple car was passing through the street of the defacto complainant, the accused have refused to stop the temple car in front of the defacto complainant's house, due to which, there was a quarrel. He would further submit that the petitioners and party had assaulted the defacto complainant and his brother with deadly weapons resulting in the defacto complainant and his brother sustaining grievous injuries. Hence, he



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opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel appearing for the defacto complainant/Intervenor would submit that the defacto complainant one Sakthivel has sustained grievous injuries and he is taking treatment and he has also incurred expenses for treatment. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. At this juncture, the learned counsel for the petitioners would submit that there were also persons injured during the incident from the petitioners' side. However, the petitioners, without prejudice to their rights, they are ready and willing to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) jointly to the credit of crime No.266 of 2022 and they have no objection in the amount being disbursed to the defacto complainant for medical expenses.

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



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8. Accordingly, the petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.266 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Thiruvallur 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 deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.266 of 2022, within a



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period of two weeks from the date of receipt of a copy of this order.

[c] the learned Magistrate shall disburse the amount deposited to the credit of Crime No.266 of 2022 to the defacto complainant.

[d] the petitioners shall stay at Madurai and report before the Inspector of Police, Othakkadai Police Station everyday at 10.30 a.m., until further orders.

[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]**.

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

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