



Crl.O.P.No.27965 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), 323 and 506(i) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002, in Crime No.472 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant Senthamizharasi is that the petitioners and the de facto complainant are neighbours. On 25.09.2022 due to the dispute that the de facto complainant letting the dirty water in front of the petitioners house, there was a wordy quarrel between the defacto complainant and the petitioners. At that time, the petitioners had abused the defacto complainant with filthy language, attacked her with stones, pulled her hair and also intimidated her with dire consequences. Hence the complaint.



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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. He would further submit that the petitioners are ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to the dispute that the de facto complainant letting the dirty water in front of the petitioners house, there was a wordy quarrel between the defacto complainant and the petitioners. At that time, the petitioners had abused the defacto complainant with filthy language, attacked her with stones, pulled her hair and also intimidated her with dire consequences. He would further submit that the petitioners have been habitually engaged in similar offences and hence, he vehemently opposed for grant of anticipatory bail to the petitioners.



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

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

7. 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 **Judicial Magistrate Court No.I, Chidambaram**, 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:



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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 petitioner shall stay at Chennai and report before the Inspector of Police, North Beach Police Station, Chennai, everyday at 10.30 a.m., 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]**.

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

16.11.2022

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