



Crl.O.P.No.28630 of 2022

Crl.O.P.No.28630 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b), 323 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.311 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with his friend have waylaid the defacto complainant, abused him in filthy language and also assaulted him. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, the de-facto complainant has given an exaggerated complaint against the petitioner. He would further submit that it is a case and case in counter. Hence, he prays for grant of anticipatory bail to the petitioner.



CrI.O.P.No.28630 of 2022

4. The learned Additional Public Prosecutor would submit that there exist a previous enmity, the petitioner and the defacto complainant have abused and assaulted each other. He would also submit that the injured has been discharged from the hospital and there is no previous case as against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that it is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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



Crl.O.P.No.28630 of 2022

from the date on which the order copy made ready, before the **learned Judicial Magistrate, Arakkonam**, on condition that 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 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 report before the respondent police everyday 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



Crl.O.P.No.28630 of 2022

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]**.

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

22.11.2022

vkr



WEB COPY



CrI.O.P.No.28630 of 2022

A.D.JAGADISH CHANDIRA, J.

vkf

CrI.O.P.No.28630 of 2022

22.11.2022