



Crl.O.P.No.29019 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), 341, 323 and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.579 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant *Desammal* is that the petitioners along with 20 other persons armed with lethal weapon had come in ten two-wheelers and called her son, namely Chandru and they have threatened the *de-facto* complainant saying that her son should not have any problem with one Kalyana Kumar and others of Periyar Nagar. They have also misbehaved with her daughter, namely Chandiralekha, aged about 19 years. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given against them. He would also submit that the *de-facto* complainant's son



Crl.O.P.No.29019 of 2022

Chandru is a notorious person and he has some problem with Kalyana Kumar of Periyar Nagar and unnecessarily these petitioners have been implicated in this case. He would further submit that there is no previous case pending as against the petitioners. Further, he would submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court and he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are henchmen of one Kalyana Kumar and others and they have problem with the *de-facto* complainant's son and they have threatened the *de-facto* complainant and also attempted to cut her and misbehaved with her daughter. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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



Crl.O.P.No.29019 of 2022

WEB COPY

6. 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 at Thiruthani**, on condition that each of the petitioners 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 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 report before the respondent Police everyday twice at 10.30 a.m. and 05.30 p.m., until further orders.

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



WEB COPY



Crl.O.P.No.29019 of 2022

A.D.JAGADISH CHANDIRA, J.

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[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.

30.11.2022

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Crl.O.P.No.29019 of 2022