



Crl.O.P.No.29205 of 2022

Crl.O.P.No.29205 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 457, 294(b), 323 IPC R/W section 4 of Prohibition of harassment of Women act, 2002, in Crime No.1195 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant is the sister of A1 and the A2 is the husband of A1. It is alleged that the *de-facto* complainant is in possession of 1st floor and the petitioner along with her aged mother resides in the ground floor of the same roof. It is alleged that the *de-facto* complainant wanted to grab the entire property, due which the petitioners along with rowdy elements entered the *de-facto* complainant's house and threatened her with dire consequences. Hence, the *de-facto* complainant lodged a complaint before the Law Enforcing Agency.



Crl.O.P.No.29205 of 2022

WEB COPY

3. Earlier, this Court has granted anticipatory bail to the petitioners in Crl.O.P.No.25755 of 2021 on 10.01.2022, since the petitioners were unable to raise the funds and surrender, the anticipatory bail order got lapsed and thereby, the present anticipatory bail petition has been filed.

4. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. It is made clear that the **petitioners should not disturb the *de-facto* complainant's possession of the property.**

5. Accordingly, each of the **petitioners shall pay a sum of Rs.1,000/- (Rupees One Thousand only) as cost to the Tamil Nadu State Legal Services Authority, Chennai**, and on such deposits and production of proof, 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 XXII, Metropolitan Magistrate, Egmore**, on condition that each of the



Crl.O.P.No.29205 of 2022

WEB COPY

petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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 at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[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.



WEB COPY



Crl.O.P.No.29205 of 2022

A.D.JAGADISH CHANDIRA, J.
mpl

[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.

28.11.2022

mpl

Crl.O.P.No.29205 of 2022