



Crl.O.P.No. 29291 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 323, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 92(e) of the Rights of Persons with Disabilities Act, 2019 in Crime No.356 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Arunadevi is that the marriage between her and A1 has performed on 11.06.2022 and that her father is a differently abled person. The further allegation is that after marriage, her husband did not come to see her and that he was taking steps to marry another women. When the defacto complainant questioned him, he assaulted her. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons. Due to matrimonial dispute, a false complaint has been given against them. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) would submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioners. However, he opposed to grant of anticipatory bail to the petitioners.

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

6. Considering the fact that the injured has been discharged from the hospital, 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 learned Judicial Magistrate Court No.II, Attur, Salem District 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



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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 daily 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 abscond, a fresh FIR can be registered under Section 229A IPC.

29.11.2022

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