



Crl.O.P.No.29755 of 2022

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Sections 147, 148, 294(b), 324, 323, 506(ii) of IPC r/w Section 4 of TNPHW Act in Cr.No.212 of 2022 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners assaulted the defacto complainant and her husband with wooden log and iron rod.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He prays to grant anticipatory bail to the petitioners.

4.The learned **Government Advocate (Crl side)** submits that the victim discharged from the hospital. However, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the victim dishcharged from the hospital, this Court is inclined to



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grant anticipatory bail to the petitioners.

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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 of receipt of a copy of this order, before the learned **Judicial Magistrate – II, Tindivanam**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 and on further condition that:

(a) the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of Cr.No.212 of 2022 before the **Judicial Magistrate – II, Tindivanam** within a period of three weeks from the date of receipt of a copy of this order. On such deposit being made, the learned **Judicial Magistrate -II, Tindivanam** shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.20,000/- deposited by the petitioners to the credit of Cr.No.212 of 2022 will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto



complainant, the trial court shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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