

Crl.O.P.No.32024 of 2022

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 294(b), 323, of IPC and Section 4 of TNPHW Act in Cr.No.289 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the son-in-law of the defacto complainant. There was a dispute with regard to property between the petitioner and daughter of the defacto complainant. Due to which, petitioner abused the defacto complainant in filthy language and assaulted the defacto complainant. Thereby, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. Further, he submits that the petitioner and the defacto complainant's daughter are husband and wife and for the past twenty eight years, they were leading a good family life. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the



respondent submits that petitioner abused the defacto complainant in an unparliamentary words and attacked the defacto complainant with hand.

Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and submissions of the learned counsel for the petitioner that this is a family dispute, this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.IV, Salem** on condition that the petitioner shall execute a 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 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 Court concerned 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 as and when



required for interrogation;

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(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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;

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

23.12.2022

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To
The Judicial Magistrate No.IV,
Salem



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