

CRL.O.P.No.32414 of 2022WEB COPY **A.A.NAKKIRAN, J.**

The petitioners, who apprehend arrest for the alleged offence under Sections 323, 324, 506(ii) & 427 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Cr.No.711 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant with regard to run the Ambulance Service thereby arose a wordy quarrel between them due to which both of them assaulted each other and caused injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submits that there is a case in counter registered against the defacto complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.side) submitted that

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due to previous enmity with regard to run the Ambulance Service there arose a wordy quarrel between the petitioners and the defacto complainant due to which both of them assaulted each other and caused injuries. He further submitted that the injured person has been discharged from the hospital and there is no previous case against these petitioners. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that there is a case in counter and that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Mettur, Salem District, on condition that the 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 are directed to 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.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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