



Crl.O.P.No.32454 of 2022

CRL.O.P.No.32454 of 2022

WEB COPY **A.A.NAKKIRAN, J.**

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act 2002 in Crime No.317 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are relatives and there was long pending water channel problem between them. On 26.11.2022 at 03.00 p.m. while the defacto complainant was in his house, these petitioners were joined together and close the water channel, on seeing them his mother and sister questioned against them, at that time the first petitioner and A5 were scolded her with filthy language and attacked them with spade. Hence this case.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant



Crl.O.P.No.32454 of 2022

anticipatory bail to the petitioners.

WEB COPY

4. The learned Government Advocate (Crl.side) submitted that there is some dispute pending between the defacto complainant and the petitioners. The petitioners using filthy language, injured discharged from hospital. A5, A6 arrested and released on bail. A4 still absconding. There is no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners is 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 No.II, Thirupathur* 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 and on further condition that:



Crl.O.P.No.32454 of 2022

(a) 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;

(b) 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;

(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]***; and;

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

28.12.2022

ma

A.A.NAKKIRAN J.

3/4



WEB COPY



Crl.O.P.No.32454 of 2022

rna

CRL.O.P.No.32454 of 2022

28.12.2022