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Crl.O.P.No.32481 of 2022

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A.A.NAKKIRAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(B), 323, 498A and 506(i) of IPC 1860 and Section 4 of Tamil Nadu Prohibition of harassment of Women Act, 2002 in Crime No.12 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner along with other petitioners harassed the defacto complainant using filthy language and intimidated defacto complainant. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners submitted that the first petitioner is the husband of the defacto complainant who is the wife and petitioners 2 to 5 are in-laws to the defacto complainant. Now the dispute between the husband and wife has been settled and they both are living under one roof. Hence, he prays for grant of anticipatory bail to the petitioners.

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



Crl.O.P.No.32481 of 2022

WEB COPY

the respondent submitted that it was a matrimonial dispute between the husband and wife and now the husband/first petitioner and the defacto complainant/wife are living together under one roof and the issue has been settled between them.

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 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-I, Ulundurpet, 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 as and when required for interrogation.



Crl.O.P.No.32481 of 2022

WEB COPY

[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.

28.12.2022

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WEB COPY



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