



Crl.O.P.No.38 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 324 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Crime No.162 of 2022 on the file of the respondent police, seek anticipatory bail.

2. There are totally four accused and the petitioners are arrayed as Accused Nos.1 and 2. The case of the prosecution is that due to land dispute, the 1st petitioner abused the defacto complainant in filthy language and tried to hit her by using Tractor, due to which she sustained injury. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution and the defacto complainant had sustained only simple injuries. He further submits that there is a case in counter registered against the



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defacto complainant and the dispute between them is civil in nature. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that this is a case in counter and totally there are four accused involved in this case and due to land dispute, the 1st petitioner abused the defacto complainant in filthy language and tried to hit her by using Tractor, due to which she sustained injury. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration, the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital and there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:



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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 No.I, Krishnagiri** 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 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 on every Saturday 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;



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(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.

05.01.2023

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