



Crl.O.P.No.180 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 355 & 506(i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.252 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that on 30.12.2022, due to the previous dispute, the accused have abused the de-facto complainant and his family in filthy language, assaulted them and also threatened them with dire consequences. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to the existing previous enmity, they have been falsely implicated in this case. He further submitted that there was a case in counter filed against the de-facto complainant and his family members in Crime No.253 of 2022 for the offence under Sections 294(b), 147, 323 & 506(i) of IPC. He also stated that the petitioners are ready to abide by any stringent conditions that may be



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imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) submitted that there is no petition or enquiry is pending as against the third petitioner herein. He further submitted that the remaining petitioners, due to the previous dispute, abused and assaulted the de-facto complainant and his family members and threatened them with dire consequences. He also submitted that it is a case and a case in counter. He also stated that a case in Crime No.253 of 2022 has been registered as against the de-facto complainant on the basis of the complaint given by the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners 1, 2 & 4 with certain conditions.

7. Accordingly, the criminal original petition in respect of the third petitioner stands closed and the petition in respect of the other petitioners is ordered and 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 on which the order copy made ready, before the learned **Judicial Magistrate, Tittagudi, Cuddalore District**, on condition that the petitioners 1, 2 & 4 shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 1, 2 & 4 and the sureties



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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 1, 2 & 4 shall appear before the respondent Police, as and when required for interrogation;

[c] the petitioners 1, 2 & 4 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 1, 2 & 4 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 1, 2 & 4 in accordance with law as if the conditions have been imposed and the petitioners 1, 2 & 4 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



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fresh FIR can be registered under Section 229A IPC;

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