

Crl.O.P.No.281 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehend arrest for the alleged offence under Sections 294(b), 324, 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Cr.No.141 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity the wordy quarrel arose between the petitioner/A1 and the defacto complainant. The petitioner/A1 along with other accused persons had assaulted the defacto complainant with hands. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that totally there are two accused, the petitioner herein arrayed as A1. Due to



previous enmity the wordy quarrel arose between the petitioner/A1 and the defacto complainant. The petitioner/A1 along with one accused person abused and assaulted the defacto complainant with hands. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the fact and submissions of the learned counsel on both side, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **District Munsif-cum-Judicial Magistrate, Nannilam**, on condition that the petitioner shall execute a 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:

(a) the petitioner 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 petitioner shall report before the respondent police on every Saturday at 10.30 a.m for a period of eight weeks and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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.

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