



Crl.O.P.No.177 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 147, 148, 294(b), 307, 324, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.144 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to the previous enmity with regard to fishing at Backwaters of Pulicut lake, the accused restrained the de-facto complainant and her husband and by abusing them in a filthy language, attacked them with the wooden logs and iron rods, due to which, the de-facto complainant's husband sustained injuries. Hence the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that due to the previous dispute in respect of fishing, the de-facto



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complainant along with others were created rivalry and trespassed into the petitioners' village and attacked them. He also stated with regard to the same, a complaint was also registered against the de-facto complainant and others in Crime No.143 of 2022 on the file of the respondent police station. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous enmity, the petitioners assaulted the de-facto complainant and her husband, causing injuries. He also stated that there is a case in counter which was filed by the petitioners against the de-facto complainant in Crime No.143 of 2022. He also stated that the injured has been discharged from the hospital, however, he opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners, on instructions, submitted that without prejudice to the rights, the petitioners are



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ready to deposit the amount of Rs.10,000/- to the credit of the crime number.

Hence, he prays for grant of anticipatory bail to the petitioners.

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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and also taking note of the fact that the petitioners is volunteered to pay a sum of Rs.10,000/- to the credit of the Crime No.144 of 2022 and also considering that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 on which the order copy made ready, before the **learned Judicial Magistrate No.II, Ponneri**, on condition that the petitioners shall execute a



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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 shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) totally to the credit of Crime No.144 of 2022 before the learned Judicial Magistrate No,II, Ponneri, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

[b] 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;

[c] the petitioners shall report before the respondent police every Wednesday at 10.30 a.m. for a period of six weeks and thereafter, as and when required for interrogation;



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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