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Crl.O.P.No.131 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, 294(b), 324 and 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.410 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to the existing land dispute, the accused have abused the de-facto complainant, his brother and his brother's family in a filthy language, by pulling the dress of his sister-in-law, assaulted them with sticks and also threatened with dire consequences. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to previous enmity, a false complaint has been given against them. He further submitted that the



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accused A7 and A8 in this case have been arrested and enlarged on bail and also stated 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) submitted that due to previous enmity with regard to the land dispute, the petitioners along with others abused the de-facto complainant's brother and his family members in a filthy language and assaulted them. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate and perused the materials available on record.

6. Taking into consideration of 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 with certain conditions.



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7. 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.I, Attur** on condition that the petitioners 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 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 shall appear before the respondent Police as and when required for interrogation;**



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[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;

06.01.2023

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