

Crl.O.P.No.318 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act 2022 in Cr.No.143 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner and the defacto complainant are neighbours; there was a previous enmity regarding grazing of cattle in their field. On 11.12.2022 when the defacto complainant's chicken are grazing in front of the house of the 1st petitioner, on seeing it the 1st petitioner and along with other accused persons abused the defacto complainant with filthy languages and also assaulted her with hands and legs. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.side) would submit that the the 1st petitioner and along with other accused persons abused the defacto complainant with filthy language and assaulted her with hands and legs. Hence, he opposed to grant anticipatory bail to the petitioners.

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

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.II, Attur**, 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 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;

(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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