



Crl.O.P.No.678 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) and 324 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment Women Act in Crime No.318 of 2022, seek anticipatory bail.

2. The case of the prosecution is that during the pendency of a suit in O.S.No.76 of 2022 between the *de-facto* complainant and the second petitioner, the second petitioner has constructed a compound wall. When the same was questioned by *de-facto* complainant, there was a wordy quarrel between the petitioners and the *de-facto* complainant. Due to which, the petitioners have attacked the *de-facto* complainant. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to civil dispute, a false complaint has been given against them. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl. Side) would submit that due to civil dispute, the petitioners have attacked the *de-facto* complainant. He would also submit that the *de-facto* complainant had not sustained any injury. However, he opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that the issue between the parties is civil in nature and a suit is also pending, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the **learned Judicial Magistrate I, Poonamallee** on condition that each of the petitioners shall execute a separate 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



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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 1st petitioner shall report before the respondent Police as and when required for interrogation and the 2nd petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of four weeks;

[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];**



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

7.Further, the parties are directed to workout their remedy before the competent Civil Court and the petitioners are directed not to cause any unlawful interference to the *de-facto* complainant.

12.01.2023

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