

Crl.O.P.No.634 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323, 324 & 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Cr.No.14 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute between the petitioners and the defacto complainant regarding usage of common pathway. Due to which there arose a wordy quarrel between them, in which the petitioners are alleged to have abused the defacto complainant in filthy language and also assaulted him and his sister, due to which they sustained injuries. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not been committed any offence as alleged by the prosecution and that the defacto complainant and his sister had sustained only simple injuries. He would further submit that the petitioners and the defacto complainant are relatives and that there is a case in counter



registered against the defacto complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that injured person have been discharged from the hospital.

5. Considering the fact that the injured have been discharged from the hospital and that it is a case and a case in counter, 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, Omalur, Salem District**, 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 daily 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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