



Crl.O.P.No.1732 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 355 and 506(i) of IPC, 1860 r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.6 of 2023, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant is that, due to previous enmity with regard to land dispute, the petitioner along with other accused persons abused in filthy language and assaulted her with chappal on head and leg, thereby causing injuries to her. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant are close relatives and due to previous enmity on account of land dispute, he has been falsely implicated in this case and he has not committed any such offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are three accused in this case and the petitioner herein is arrayed as A2. He further submits that A1 was arrested and released on bail and the A-3 was granted anticipatory bail. He further submits that the injured has been discharged from the hospital. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by both the counsels and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***District Munsif cum Judicial Magistrate Court, Edappadi***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with



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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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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;

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[f] if the accused thereafter absconds, a fresh FIR can
be registered under Section 229-A IPC;

27.01.2023

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