

CrI.O.P.No.2107 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offence under Sections 294(b), 323, 324 of I.P.C r/w Section 4 of the Prohibition of Harassment of Women Act, 2002 in Crime No.18 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity the petitioners abused and attacked the defacto complainant. The further case of the prosecution is that the defacto complainant sustained injuries and admitted in the hospital. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, the learned counsel, on instructions, further submits that the petitioners, without prejudice to his rights, is ready to deposit some amount to the credit of the crime number as imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there was previous enmity between the petitioners and the defacto complainant, due to which the petitioners attacked the defacto complainant and caused injuries to him. He further submits that the injured discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the petitioners have been discharged from the hospital and the petitioner on his own volition, is ready to deposit some amount to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.18 of 2023, within a period of fifteen (15) days and on such deposit, the



petitioners is ordered to be released on bail in the event of arrest or on his appearance, before the **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 failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a)the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees ten Thousand only)** to the credit of Crime No.18 of 2023 before the concerned Magistrate within a period of fifteen (15) days and the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on proper identification and acknowledgment;

(b)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;

(c)the petitioners are directed to appear before the respondent police every Wednesday at 10.30 a.m for a period of four weeks and thereafter, appear before the trial Court on all



hearing dates.

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(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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 anticipatory 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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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