

Crl.O.P.No.3120 of 2023**T.V.THAMILSELVI, J.**

WEB COPY

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 324, 448 & 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Cr.No.450 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, there was a quarrel between the petitioners and the defacto complainant. During the said quarrel, the petitioners abused the defacto complainant with filthy language and assaulted her with bricks and stones. Due to which, she 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 the defacto complainant had sustained only simple injuries. He further submitted that there was civil dispute between the petitioners and defacto complainant in O.S.No.84 of 2019 pending on the file of the learned District Munsiff cum Judicial Magistrate, Madhavaram. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.side) would submit that the petitioners abused the defacto complainant and her family members in filthy languages, assaulted and threatened them with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioners

5. Considering the fact that the petitioners and the defacto complainant are neighbours and already civil suit in O.S.No.84 of 2019 pending before the learned District Munsiff cum Judicial Magistrate, Madhavaram, 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 **District Munsiff Cum Judicial Magistrate, Madhavaram**, 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.

13.02.2023

dk

To
**The District Munsiff Cum Judicial Magistrate,
Madhavaram.**

T.V.THAMILSELVI, J.



WEB COPY



4

CrI.O.P.No.3120 of 2023

dk

CrI.O.P.No.3120 of 2023

13.02.2023