



Crl.OP.No.4938 of 2023

A.D.JAGADISH CHANDIRA, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 of IPC r/w Section 4 of TN Prohibition of Harassment of Women Act in Crime No.78 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are relatives and due to land dispute, they have assaulted each other, resulting in which case and counter case filed. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent. He would further submit that it is a case and case in counter and the defacto complainant had assaulted the petitioners' side and the complaint given by the petitioners' side, a case in Cr.No.77 of 2023 has also been registered as against the defacto complainant. He would further submit that the petitioners have also been sustained injuries and thereby he would seek anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that it is a case and case in counter and due to land dispute, the petitioners and the defacto complainant assaulted each other with stones resulting in both



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the parties sustained injuries. He would further submit that however the injured in this case has been discharged from the hospital. He would further submit that the first petitioner/A1 has got four previous cases ie., i) 581/2011 under Section 294(b), 323 of IPC, ii) 741/2011 under Section 323, 324, 341 of IPC, iii) 829/2011 under Section 294(b), 323 IPC and iv) 58/2020 under Sections 143, 294(b), 427, 506(1), 294(b) and 506(i) IPC, the second petitioner has got four previous cases ie., 581/2011 under 294(b), 323 of IPC, 741/2011 under Sections 341, 323, 324 IPC, 829/2011 294(b), 323 of IPC and 58/2020 under Sections 143, 294(b), 427, 506(i) @ 294(b), 506(i) IPC and 829/2011 under Sections 294(b) and 323 of IPC and the third petitioner has got two previous cases ie., 829 /2011 under Section 294(b) , 323 of IPC and 58/2020 under Section 143, 294(b), 427, 506(i) IPC @ 294(b) 502(ii) IPC. Hence, he would vehemently oppose to grant anticipatory bail to the petitioners.

5. By way of reply, the learned counsel for the petitioners would submit that all these cases are relating to the year 2010 and 2011 and for the past 10 years, the petitioners have not any criminal cases registered against them. He would further submit that this case also a count case and case in counter on account of the dispute between the relatives. The petitioners are



ready and willing to abide by any stringent condition that may be imposed on them.

5. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail 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 ***Additional Mahila Court, Udhagamandalam, The Nilgris*** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.25,000/- (Rupees Twenty Five 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 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 petitioners shall report before the Inspector of Police, R.S.Puram Police Station, Coimbatore every day at 10.30 a.m, for a period of three weeks and thereafter report before the respondent police every day at 10.30 a.m., until further orders.

[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]**.

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

06.03.2023

Vv



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