



Crl.O.P.No.4977 of 2023

Crl.O.P.No.4977 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC, r/w Section 4 of Women's Harassment Act in Crime No.20 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 30.01.2023, the defacto complainant's daughter and his relatives went to Kodaiyanchi river along with their relatives to take bath in the river after immersing the ashes of the deceased, at that time, the petitioners and other accused teased the defacto complainant's daughter while she was in wet clothes and when the same was questioned, the petitioners assaulted the defacto complainant and his son with hands, beer bottle and stone and thereby sustained injuries to him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this



Crl.O.P.No.4977 of 2023

case. He would further submit that, in fact, the defacto complainant has assaulted the petitioners in respect of which, the counter case has been registered in Crime No.20 of 2023 on the complaint given by the petitioners and it is a case in counter and based on the ulterior motive, a false complaint has been foisted against the petitioners. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that on 30.01.2023, the defacto complainant's daughter and his relatives went to Kodaiyanchi river for immersing the ashes of the deceased, at that time, the petitioners teased the defacto complainant's daughter for which, the petitioners assaulted the defacto complainant and his son with hands, beer bottles and stone and caused injuries to him. He further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioners and the learned



Crl.O.P.No.4977 of 2023

WEB COPY

Government Advocate (Crl.Side) and also perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel on either side and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 **learned Judicial Magistrate, Vaniyambadi**, on condition that the petitioners shall execute a bond 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



Crl.O.P.No.4977 of 2023

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 respondent police everyday 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.

16.03.2023

drl

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.O.P.No.4977 of 2023

drl

Crl.O.P.No.4977 of 2023

16.03.2023