



CrI.O.P.No.5159 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC and section 4 of Tamilnadu Prohibition of Harassment of Woman Act in Crime No.41 of 2023, seek anticipatory bail.

2. The case of the prosecution is that on account of pathway dispute, the petitioners have assaulted the defacto complainant with iron rod and caused injuries on the head. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are ready to abide by any stringent condition and they are even ready to stay away from the place of occurrence as may be directed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate(CrI.Side) appearing for the respondent would submit that though it is a case and case in counter, the



Crl.O.P.No.5159 of 2023

petitioners have assaulted the victim with iron rod due to which the defacto complainant sustained injury on the head and he has been given five stitches and subsequently, discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Government Advocate(Crl.Side) for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and that submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital and there is a case in counter, 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-II, Udumalpet** on condition that each of 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



CrI.O.P.No.5159 of 2023

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 stay at Erode and report before the Erode Town Police Station everyday at 10.30 a.m., for a period of two weeks from the date of execution of sureties and they shall not enter into the jurisdictional limits of the respondent police station till then. Thereafter, 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

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Crl.O.P.No.5159 of 2023

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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.

07.03.2023

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Crl.O.P.No.5159 of 2023