



Crl.O.P.No.5655 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 alleged offences punishable under Sections 147, 148, 341, 294(b), 324 and 506(ii) of IPC r/w Section 4 of TNPHW Act, 2002 in Crime No. 40 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Selvi is that, the first accused Balaji was in love with the defacto complainant's elder daughter Priyanka and later they split up. Since the defacto complainant's daughter refused to get along with the accused, he waylaid her and also caused trouble to her. While so on 18.02.2023, when the defacto complainant was returning back to the area of Kadhavur, at that time, the accused had pulled the vehicle in an inebriated condition and assaulted the defacto complainant and her brother's son causing grievous injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the first petitioner and the elder daughter of the defacto complainant



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were having love affair and later the defacto complainant's elder daughter break up her love, and thereby a false complaint has been given, as if the petitioners harassed the elder daughter of the defacto complainant and also assaulted their relatives. He would further submit that the injured has been discharged from the hospital. He would also submit that it is a case and case in counter and hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that this is the case and case in counter. He further submit that there was a love affair between the first petitioner and the daughter of the defacto complainant and later she refused, on account of which, the petitioner harassed the defacto complainant's daughter and thereby causing injuries to the defacto complainant's relatives. He further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and learned



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

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant 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, Ambattur**, 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 further condition that:

[a] the petitioners and the sureties shall affix their



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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.

14.03.2023

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