



Crl.O.P.No.6108 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 143, 148, 294(b), 323, 427 and 506(i) of IPC, in Crime No.91 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant S.Anithashree, is that on 07.02.2023 at about 8.30 p.m., the petitioners/accused had trespassed into her house and tried to attack her husband by using knife and wooden log. However, her husband had escaped from the place and immediately the de facto complainant called the police helpline number to inform about the same. In the meanwhile, the petitioners/accused had trespassed into her mother-in-law house, abused her with filthy language, attacked her by using hands and caused damages to the house hold articles. Hence the case.



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3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that it is a case and case in counter and on 07.03.2023 at about 7.30 p.m., the de facto complainant's husband and his friends had consumed alcohol at volleyball ground near Vembuliamman Koil, Thiruvannamiyur and they have voluntarily scolded the first accused and his friends with filthy language, when it was questioned by the petitioners, the de facto complainant's husband and his friends had assaulted the petitioners. He would further submit that based on the complaint given by the petitioners side, a counter case in Crime No.90 of 2023 has been registered against the de facto complainant's husband for the offences punishable under Sections 143, 148, 294(b), 324 and 506(ii) of IPC and only as counterblast, a false complaint has been given against the petitioners. He would further submit that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on them. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal side) for the respondent would submit that it is a case and case in counter. He would further submit that the petitioners had trespassed into the house of the de facto complainant, assaulted de facto complainant and her husband and also her mother-in-law, abused them with filthy language and caused damages to the house hold articles. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and also the submissions of either side, 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



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days from the date on which the order copy made ready, before **the learned XVIII Metropolitan Magistrate, Saidapet**, on condition that **each of the petitioner shall execute a separate 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 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday 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.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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