



Crl.O.P.No.6171 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, 506(ii) of IPC and under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.54 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant P.Indhu is that she married one Prakash six years before and having a male child namely Vyasa Mithran aged about five years. Her husband working at Singapore for the past four years. From the date of marriage itself, there was wordy quarrels between the de facto complainant and her husband. She resided along with her father-in-law/A1 and mother-in-law/A2, due to the dispute, the petitioners retained the child and sent the de facto complainant to her father's house. The de facto complainant has filed a petition before the learned Judicial Magistrate-I, Mettur. On 15.02.2023, the trial Court also permitted the de facto



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complainant to visit her child four hours per day and also directed her husband to set up individual house for her, but her husband not taken out individual house for her. On 24.02.2023, she went to see her son at 6.00 p.m., at the time, the first petitioner/A1 allowed her five minutes only, thereafter, he taken away the child. When the de facto complainant questioned about the same, the first petitioner/A1 abused her with filthy language and hit the de facto complainant's left hand with vegetable cutting knife and also assaulted her by picking her hair. The second petitioner/A2 also abused her with filthy language, kicked her and criminally intimidated her. Thereafter, with the help of her aunty, the de facto complainant admitted to Mettur Government Hospital for treatment. On the statement of the de facto complainant, the respondent police registered a case on 26.02.2023 for the offences punishable under Sections 294(b), 323 and 506(ii) of IPC and under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.54 of 2023. Hence the complaint.



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3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that due to the dispute with regard to property between the de facto complainant and the son of the petitioners, several litigations are pending and a false case complaint has been given against the petitioners. He also submitted that the petitioners are ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the de facto complainant is wife of one Prakash. He further submitted that there are several litigations pending between her and her husband. When the de facto complainant went to see the child, the accused abused her with filthy language and assaulted her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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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 the submissions made by the learned Counsel on 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 days from the date on which the order copy made ready before **the learned Judicial Magistrate No.1, Mettur, Salem District**, 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:



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[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.

[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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