



Crl.O.P.No.6237 of 2023

Crl.O.P.No.6237 of 2023

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), 324 and 506(ii) IPC r/w. Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.123 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners, who are her in-laws, due to family dispute, abused the defacto complainant with filthy language, assaulted her and also threatened her with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to a family dispute, a false complaint has been given against them. He would further submit that the fact remains that the defacto complainant, who is an advocate, is the person who has trespassed into the house of the petitioners and assaulted them, due to which, the second petitioner has sustained injuries and she



Crl.O.P.No.6237 of 2023

she is still being treated as inpatient in the Government Stanley Hospital.

WEB COPY

Therefore, the petitioners have lodged a complaint in Crime No.124 of 2023 against the de-facto complainant and in order to escape from the clutches of law, the defacto complainant has given a false complaint as if she has been attacked by the petitioners and she also admitted in a private hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that it is a case and a case in counter. He would further submit that the petitioners, who are the in-laws of the defacto complainant, due to family dispute, abused the defacto complainant with filthy language, assaulted her and also threatened her with dire consequences. Hence, he opposed for grant of anticipatory bail to the petitioners.

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



CrI.O.P.No.6237 of 2023

WEB COPY

6.Taking into consideration the facts of the case and the submissions made by the learned counsel, 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, Thiruvottiyur, Chennai**, on condition that the petitioners shall execute 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.



WEB COPY



Crl.O.P.No.6237 of 2023

A.D.JAGADISH CHANDIRA, J.

mpa

[b] the petitioners shall 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 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;

21.03.2023

mpa

Crl.O.P.No.6237 of 2023