



Crl.O.P.No.6279 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, 355, 354(B), 506(ii) IPC r/w 34 IPC in FIR No.29 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Buvaneshwari, is that on 06.02.2023, due to money transaction, the petitioners along with other accused assaulted the defacto complainant with slipper, pulled her saree and also threatened her with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely roped into this case and he would further submit that the petitioners herein understand that there was a relationship between the first accused and the defacto complainant and there was also financial transaction between them. Later some misunderstanding between them, the first accused had demanded his money back and thereby the defacto complaint has given a



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false complaint against them. He would further submit that A1 in this case was arrested and he has been granted bail by this Court in Crl.OP.No.5435 of 2023 dated 08.03.2023 and thereby, he seek for the grant of anticipatory bail to the petitioners.

4.Mr.Alexander, learned Government Advocate, Puducherry appearing for the respondent Police would submit that the first accused had abused the defacto complainant who is an advocate, in filthy language and later assaulted her on slippers and also outraged her modesty by pulling her saree and the petitioners who are the relatives to A1, slapped the defacto complainant with slippers and they have also abused her with filthy language and they have also intimidated the defacto complainant. He would further submit that the injured has been discharged from the hospital and thereby, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. The learned counsel appearing for the intervenor would very very vehemently opposed stating that the defacto complainant is the



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practising advocate and the accused has abused her and outraged her majesty by assaulting her with slippers and also pulling her saree. He would further submit that if the petitioner granted anticipatory bail there is every possibility for them to interfere with her and assaulted her once again, and thereby, he opposed for grant of anticipatory bail to the petitioners.

5.Taking into the consideration the facts and circumstances of the case and also the submissions made by the learned counsel and also the fact that the main accused has been arrested and released on bail, this court is inclined to grant anticipatory bail with certain conditions.

6.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 Principal Sessions Judge, Puducherry, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like



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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 stay at Trichy and report before the Inspector of Police, Palakarai Police Station, everyday at 10.30 a.m, and 5.30 p.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



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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;

27.03.2023

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