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Crl.O.P.No.6609 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 offence punishable under Sections 323 & 342 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.85 of 2023 seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant alleged to have illicit relationship with the 1st petitioner's husband and the same came to the knowledge of the petitioners due to which she was assaulted by them. When the same was questioned by the son of the defacto complainant, he was also assaulted by the petitioners with a wooden stick. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and there was no intention to cause the injury to the defacto complainant. However, he would submit that the



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victim has also been discharged from the hospital and there is no previous case pending against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the defacto complainant alleged to have illicit relationship with the 1st petitioner's husband and the same came to the knowledge of the petitioners due to which she was assaulted by them. When the same was questioned by the son of the defacto complainant, he was also assaulted by the petitioners with a wooden stick. However, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) for the respondent and perused the entire 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 anticipatory bail to the petitioners with certain conditions.



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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-VII, Coimbatore**, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each 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 Salem Fair Lands police station daily at 10.30 a.m., and 06.30 p.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.



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[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;

28.03.2023

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