



Crl.O.P.No.6634 of 2023

A.D. JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 323 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.121 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to family dispute, the petitioner and other accused picked up a quarrel with the defacto complainant and abused her with filthy languages and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. The petitioner's son had married the defacto complainant and it was a love marriage, since the petitioner had initially objected to the marriage, due to which a false and exaggerated complaint has been given. He would submit that even as per the prosecution the victim is stated to have been treated as out patient. He would also submit that major allegations are attributed against the son of the petitioner and he was arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The Government Advocate (Crl.side) would submit that the petitioner is the mother-in-law who along with his son/A2 abused, assaulted and harassed the defacto complainant. The injured was also discharged from the hospital. A2/son of the petitioner was arrested and released on bail. The case is under investigation. Hence, he oppose for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.I, Udumalpet, on condition that the petitioner shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, 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 petitioner 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 petitioner shall report before the respondent police on all alternative days at 10.30am for a period of two weeks and thereafter on every Saturday at 10.30am until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

With the above directions, this Criminal Original Petition is ordered.

28.03.2023

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