



CrI.O.P.No.6777 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 147, 148, 294(b), 324, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.124 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to family dispute, the petitioners have abused the defacto complainant with filthy language and assaulted her and her husband. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to family dispute, a false complaint has been given against them. He would further submit that it is a case and a case in counter in Crime No.123 of 2023 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. 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 due to family dispute, the petitioners have abused the defacto complainant with filthy language and assaulted her and her husband. He would further submit that it is a case and a case in counter and the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5.Mr.C.V.Kumar, the learned counsel for the Intervenor would vehemently oppose for grant of anticipatory bail to the petitioners stating that due to family dispute, the petitioners have abused the defacto complainant with filthy language and also assaulted her and her husband. Hence, he prayed for dismissal of this petition.

6.At this juncture, the learned counsel for the petitioners would submit that the first petitioner will not visit the house of her mother-in-law in future and she is also ready to file an affidavit to that effect before the learned Magistrate, at the time of surrender. Hence, he prayed for grant of anticipatory bail to the petitioners.



7.Heard the learned counsel for the petitioners as well as the learned Government Advocate and perused the entire materials available on record.

8.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel either side and also considering that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

9.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, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety 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 first petitioner shall file an affidavit of undertaking stating that she will not visit the house of her mother-in-law and she will not disturb her in future;

[c] the petitioners shall report before the respondent police as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]**;



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[g] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC;

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