



Crl.O.P.No.7446 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) and 323 of IPC read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.80 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Kalpana is that she is a document writer having office at Door No.3/10, Andavar Complex, Marappan Street, Pollachi. On 13.03.2023 at about 12.30 p.m., the client of the de-facto complainant parked his bike in front of the adjacent Advocate Office and at that time, the first petitioner/A1 abused the de-facto complainant with filthy language and also criminally intimidated her with dire consequences. The further allegation is that the second petitioner/A2 attacked the de-facto complainant with scale and walking stick and the first petitioner/A1 kicked on her leg and she lost her balance and fell down. Hence the case.



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3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He further submitted that the de-facto complainant is a document writer and she is a habitual offender, against her, there are several cases pending. He further submitted that due to the quarrel regarding parking of the bike in front of the office of the petitioners, the incident had happened and that an exaggerated and false complaint has been given. He further submitted that it is a case and case in counter and on the complaint given by the petitioners side, a counter case in Crime No.79 of 2023 has been registered against the de-facto complainant for the offences punishable under Sections 294(b), 325 and 506(i) of IPC. He further submitted that no previous case is pending as against the petitioners. He also submitted that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on them. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal side) appearing for the respondent would submit that it is a case and case in counter. He further submitted that the petitioners are practicing advocates and the de-facto complainant is a document writer, due to previous animosity, on 13.03.2023 at about 12.30 p.m., the petitioners made a wordy quarrel with the de-facto complainant and brutally attacked her. He further submitted that the injured has been discharged from the hospital. He further submitted that there is no previous case pending as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either sides, 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 Court No.I, Pollachi**, on condition that each of the petitioner shall execute a 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.

[b] **the petitioners shall report before the respondent police every day at 7.30 p.m., for a period of two weeks and thereafter, as and when required for interrogation.**

[c] the petitioners shall not tamper with evidence or



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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.

05.04.2023

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