



Crl.O.P.No.7746 of 2023

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

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 354, 323, 354C IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.31 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sellakili is that she belong to Narikuravar community and that the accused in the guise of running self help group had received an amount of Rs.66,000/- from 11 persons belonging to her community and when they demanded the amount, the accused abused them with filthy language and assaulted them. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given. He would submit that the defacto complainant and her family members are encroacher and when the petitioner ask them to vacate, they have given a false complaint. He would submit that on the complaint given by the



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petitioner a case in Crime No.32 of 2023 has been registered against the defacto complainant and party. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) for the respondent would submit that the petitioner along with other accused have received an amount of Rs.66,000/- from 11 persons who were belonging to Narikuravar community and when they demanded the same, the accused abused them with filthy language and assaulted them. Hence, he opposed for grant of anticipatory bail to the petitioner/accused.

5.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also of the fact that it is a case and case in counter, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Attur, Salem District**, on condition that the petitioner shall execute a 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 petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall report before the respondent police every day at 10.30 a.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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

18.04.2023

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