



Crl.O.P.No.8043 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), 352, 447 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.77 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vinothini is that the marriage between her and the first petitioner was solemnized on 08.02.2007. Out of their wedlock, two female children were born to them. Thereafter, the family members of the first petitioner started harassed her, due to which, she left the matrimonial home and started living at her parental home. While so, on 19.12.2022, the first petitioner along with his family members came to the parental house of the defacto complainant and harassed her and thereafter, she filed a petition under Section 156(3) of Cr.P.C before the Judicial Magistrate No.I, Mannargudi and the same was ordered. On 12.02.2023, the first petitioner along with his family members



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trespassed into the parental house of the defacto complainant and attacked her with hands and also threatened her. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to matrimonial dispute, a false complaint has been given against them. He would further submit that the first petitioner has filed a petition for restitution of conjugal rights before the Family Court, Alandur, in H.M.O.P.No.193 of 2023 and the same is pending. He would further submit that it is a case and a case in counter in Crime No.78 of 2023 and the defacto complainant has already been granted anticipatory bail by this Court in Crl.O.P.No.4768 of 2023 on 06.03.2023. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that due to matrimonial dispute, the first petitioner along with other accused have trespassed into the parental house of the defacto complainant, abused her and assaulted her with hands and also threatened her. He would further submit that the defacto complainant



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has already been granted anticipatory bail by this Court in Crl.O.P.No.4768 of 2023 on 06.03.2023. However, he opposed for grant of anticipatory bail to the petitioners.

5.The learned counsel for the intervenor would vehemently oppose for grant of anticipatory bail to the petitioner stating that it is a case where the accused have trespassed into the house and caused women harassment. Hence, he prayed for dismissal of the petition.

6.Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

7. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



8. 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, Manargudi on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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 1, 2 and 4 shall report before the respondent police daily at 6.30 p.m., until further orders and 3rd petitioner shall report before the respondent Police as and when required for interrogation;

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



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[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;

18.04.2023

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