



Crl.O.P.No.7908 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 alleged offences punishable under Sections 447, 147, 294(b), 323, 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.22 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, on the date of occurrence, there was a wordy quarrel between the petitioners and the defacto complainant with regard to election dispute, for which, both attacked each other and abused each other. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and they have not committed any such offence as alleged by the prosecution. He would also submit that it is a case a case in counter and based on the complaint given by the petitioners, a counter case has been registered by the respondent police. Hence, he prays for grant of anticipatory bail to the



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petitioners.

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4. The learned Government Advocate (Criminal Side) would submit that it is a case and case in counter. He further submit that there was a wordy quarrel between the petitioners and the defacto complainant with regard to election dispute, for which, both of them were attacked each other. He further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made on both sides and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 No.II, Jayamkondam**, on condition that the petitioners shall



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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 everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or 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



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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.

17.04.2023

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