



Crl.O.P.No.8029 of 2023

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

The petitioners, who apprehend arrest for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.225 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner along with his friends have teased the daughter of the defacto complainant and when it was questioned by the defacto complainant as a father, the petitioners have joined together, abused the defacto complainant and his daughter and also assaulted them with wooden stick and iron rod. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and due to previous enmity, they have been falsely implicated in this case. He would further submit that it is a case and a case in counter in Crime No.226 of 2022. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the first petitioner along with his friends have teased the daughter of the defacto complainant and when it was questioned by the defacto complainant as a father, the petitioners have joined together, abused the defacto complainant and his daughter and also assaulted them with wooden stick and iron rod. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

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

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory 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 No.I, Tiruvannamalai, on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall stay at Krishnagiri and report before the Inspector of Police, Krishnagiri Town Police Station, daily at 10.30 a.m., until further orders;

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



CrI.O.P.No.8029 of 2023

[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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Crl.O.P.No.8029 of 2023

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.8029 of 2023

18.04.2023