



Crl.O.P.No.8889 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 294(b), 323, 324, 506(i) of I.P.C., Section 4 of Tamilnadu Prohibition of Harassment of Women Act 2002 in Crime No.20 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant, due to which, the petitioners abused and attacked the defacto complainant as a result of which, the defacto complainant sustained injuries. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners had earlier approached this Court by filling an application in Crl.O.P.No.2819 of 2023 seeking anticipatory bail and this Court by order dated 09.02.2023 had granted anticipatory



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bail to the petitioners. However, since the 2nd petitioner was suffering from Kidney ailment, the entire family members were taking care of her and thereby, the petitioners were unable to surrender and execute the sureties within the time stipulated by this Court. Subsequently, the petitioners also filed an application for extension of time. Though the same was ordered, the petitioners could not execute the sureties within the time and thereby, the earlier order of granting anticipatory bail, has lapsed by efflux of time. Hence, the present petition seeking anticipatory bail has been filed.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would fairly concede that the petitioners were earlier granted anticipatory bail by this Court by order dated 09.02.2023.

5. Considering the facts and circumstances of the case and also of the fact that the petitioners were earlier granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. 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 District Munsif Cum Judicial Magistrate Court at Cheyyur**, 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 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.

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