



Crl.O.P.No.10802 of 2023

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K.GOVINDARAJAN THILAKAVADI, J.,

The petitioners, who apprehend arrest for the alleged offences under sections 294(b), 323, 427, 448, 506(i) IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act, in Crime No.98 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on account of previous enmity between the petitioners and the defacto complainant, who are relatives, regarding property dispute and running of church by the petitioners, the petitioners trespassed into the house of the defacto complainant, assaulted him and also abused him in a filthy language. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and the complaint has been given as a counter blast. He also submitted that already a civil suit is pending between the petitioners and the defacto complainant and they are ready



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to abide by any stringent conditions that may be imposed by this Court.

Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that on account of property dispute between both sides, the petitioners have trespassed in to the house of the defacto complainant and attacked him. He further submitted that a civil suit is also pending between both sides.

5. Heard the learned counsel for the petitioners and the learned Addl. Public Prosecutor for the respondent Police and perused the materials available on record.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the dispute is between relatives and already a civil suit is pending between both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 XVII Metropolitan Magistrate Court, Saidapet** on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees twenty five Thousand Only)** each 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioners shall report before the respondent police at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.**

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

[d] the petitioners shall not abscond either during

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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 are released on bail by the learned Magistrate 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.

10.05.2023

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