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CRL.O.P.NO.10817 OF 2023

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K.GOVINDARAJAN THILAKAVADI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 323, 427 and 506(1) IPC and Section 4 of Tamil Nadu Prevention of Women Harassment Act, in Crime No.82 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that, on the date of occurrence viz., 26.04.2023, there was a wordy quarrel between the petitioner and the defacto complainant with regard to the renovation to be taken for the temple, for which, both attacked each other and abused each other. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that it is a case in counter and based on the



CRL.O.P.NO.10817 OF 2023

complaint given by the petitioner, a counter case has been registered by the respondent police. He would further submit that the petitioner is ready and willing to abide by any stringent condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that during the wordy quarrel, the petitioner along with other accused had assaulted the de facto complainant resulting in him sustaining injuries. He would further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case and also the submission of both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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CRL.O.P.NO.10817 OF 2023

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, Jayamkondam**, on condition that the petitioner shall execute a 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 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 report before the respondent police everyday at 10.30 a.m., until further orders;



CRL.O.P.NO.10817 OF 2023

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

[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;

10.05.2023

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CRL.O.P.NO.10817 OF 2023

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