



Crl.O.P.No.11199 of 2023

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K.KUMARESH BABU, J.

The petitioners who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 323 and 506(i) of I.P.C. read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.301 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant and the petitioners attended case proceedings for maintenance at Tiruppur Family Court. The said case was passed over and the de-facto complainant along with the child was waiting inside the Court campus. While that being so, the petitioners forcefully took away the child from the de-facto complainant there was a wordy quarrel between the them. The petitioner along with other accused abused the defacto complainant in filthy language and and threatened her with dire consequences. Hence, the complaint.



Crl.O.P.No.11199 of 2023

3. The learned counsel for the petitioners would submit that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the petitioners are arrayed as A1 to A3. He would further submit that the de-facto complainant and the petitioners attended case proceedings for maintenance at Tiruppur Family Court. The said case was passed over and the de-facto complainant along with the child was waiting inside the Court campus. While that being so, the petitioners forcefully took away the child from the de-facto complainant there was a wordy quarrel between the them. The petitioner along with other accused abused the defacto complainant in filthy language and and threatened her with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



CrI.O.P.No.11199 of 2023

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 learned Judicial Magistrate-IV, Tiruppur District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- for each person (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.



Crl.O.P.No.11199 of 2023

[b] the petitioners shall report before the respondent 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 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.

17.05.2023

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Crl.O.P.No.11199 of 2023

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Crl.O.P.No.11199 of 2023

17.05.2023