



Crl.O.P.No.11501 of 2023

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323 of IPC and Section 4 of Tamilnadu Prohibition of harassment of Women Act, in Crime No.168 of 2023, seek anticipatory bail.

2. The case of the prosecution is that one Amudha lodged a complaint against the petitioners stating that they abused her in filthy language and attacked with sticks due to previous enmity. Hence, the case.

3. The learned counsel for the petitioners submitted that the de-facto complainant, who is running street food shop in front of the petitioners' house, dumped the garbage in front of the house. When the same was questioned by petitioners, heat words were exchanged on both sides. The de-facto complainant is running fast food shop in



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the road without license. The petitioners are innocent and they have been falsely implicated in this case. The petitioners are ready to abide by any condition that may be imposed by this Court.

4. The learned Government Advocate (Cr1. Side) appearing for the respondent police also opposed for grant of anticipatory bail to the petitioners.

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

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

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period



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of fifteen days from the date on which the order copy made ready, before the **learned District Munsif Cum Judicial Magistrate, Gummidipoondi**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with **two sureties** 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 shall 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.

[d] the petitioners shall not abscond either during investigation or trial.



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[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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