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Crl.O.P.No.12201 of 2023

V.LAKSHMINARAYANAN. J.,

The petitioners, who apprehend arrest for the alleged offences under Sections 294 (b), 324, 427 and 506 (2) of IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Cr.No.69 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous inimity, the petitioners waylaid the defacto complainant and have abused and assaulted him with hands. Hence, the case.

3.The learned counsel appearing for the petitioners submits that the petitioners have been falsely implicated in this case and however, they are ready to furnish substantial sureties and any conditions to be imposed by this Court for grant of anticipatory bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) submits that there is a wordy quarrel between the parties to the prosecution; no

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previous case pending against the petitioners; the defacto complainant was hospitalised and discharged. However, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submission made on either side, 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 his/her/their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***Judicial Magistrate No.1, Vellore*** on condition that the petitioners shall execute a separate bond each 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 and on further condition that:

(a) if the petitioners failed to surrender before

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the concerned Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police **as and when required** for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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

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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];*** and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

26.05.2023

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26.05.2023

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