



Crl.O.P.No.12431 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(1) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No. 210 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, due to pathway dispute, the petitioners along with others attacked the husband of the defacto complainant and when the defacto complainant intervened, the petitioners attacked her on head with mud stone and pushed her on the land. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to pathway dispute, they have been falsely implicated in this case. He further submitted that earlier the petitioners had given a complaint against the defacto complainant's in respect of which, the case in Crime No.211 of 2023 has been registered by the respondent police as a counter blast, a false complaint has been



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given against them. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that this is the case and case in counter. Due to pathway dispute, the petitioners along with others attacked the husband of the defacto complainant with bare hands and the defacto complainant with mud stones causing injuries to her and also pushed her on the land. He further submitted that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also the fact that the injured has been discharged from the hospital, 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 Judicial Magistrate, Uthangarai**, on condition that the petitioners shall execute separate bond 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, 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.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter on every Saturday at 10.30 a.m, until further orders.

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



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[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 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.

07.06.2023

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