



Crl.O.P.No.12508 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 offences punishable under Sections 147, 294(b), 323, 342 of IPC and Section 4 of TN Prohibition of Harassment of Women Act 2002, in Crime No. 290 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Savitha Krishnamoorthy who is a practising Advocate is that when she had gone to the house of the accused who are the husband and in-laws of her client Archana, for compromise talk, the accused persons had confined her in a room illegally and abused her in filthy language and also assaulted her. Hence the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the first petitioner is a practising lawyer and there was a matrimonial dispute in his family during which, the



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defacto complainant along with four others, had entered into the house of the petitioners and abused them and also assaulted them and hence, the 1st petitioner had lodged a complaint against the defacto complainant and others who had accompanied the defacto complainant and the same was registered in Crime No.289 of 2023. As a counter blast, the defacto complainant has filed this complaint as if, the petitioners assaulted and abused her in filthy language.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the defacto complainant and the 1st petitioner are practising Advocate. On the date of occurrence, when the defacto complainant had gone to the house of the accused/first petitioner for compromise talk on behalf of her client Archana, the accused persons, had confined the defacto complainant in a room and abused and assaulted her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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

6. Taking into consideration 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 of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Poonamallee** on condition that the **each of the** petitioner shall execute a **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 :



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[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court 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 every day at 6.30 pm., for a period of two weeks and thereafter every Saturday at 10.30 am., until further orders.

[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] 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 petitioner released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;



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[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. Accordingly, the Criminal Original Petition is ordered.

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