



Crl.O.P.No.13592 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 147, 148, 448, 427, 323, 324, 325, 379 & 506(2) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No. 85 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with A2 had trespassed into the house of the defacto complainant and assaulted the defacto complainant and her husband. Further, the petitioners had looted a sum of Rs.2 lakhs from their petty shop and Rs.50,000/- from their house. Hence, complaint.

3. The learned counsel for the petitioners would submit that this is the second application for anticipatory bail and the petitioners was earlier granted anticipatory bail by this Court in Crl.O.P.No.6395 of 2020 dated 22.06.2020. He would further submit that because the matter could be settled they have not surrendered and executed the sureties and thus the order had lapsed. He further submit that the petitioners are prepared to



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abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners was already granted anticipatory bail by this Court in Crl.O.P.No.6395 of 2020 on 22.06.2020. He would further submit that they failed to execute the sureties within time and thereby, the earlier order had lapsed. Hence, he vehemently opposed for grant of 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 and circumstances of the case and also the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners shall make a non-refundable deposit of a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Taluk Legal Services Authority attached to the Court concerned and on such deposit and production of proof, the petitioners are ordered to be



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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, Cheyyar** 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., 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.

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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.

23.06.2023

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