



Crl.O.P.No.13167 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, 294(b), 323 of IPC and Section 4 of Tamilnadu Prohibition of the Harassment of Women Act, 2002 in Crime No. 193 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, on account of dispute regarding collection of tamarind pods, the accused had abused the defacto complainant with filthy language and assaulted her with hands and also snatched 2 ½ sovereigns of gold chain. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He further submit that, due to previous enmity, a false complaint has



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been given against them. He further submitted that the de-facto complainant and others have assaulted the petitioners, in respect of which, a case has been registered for the offence under Sections 323, 147, 324 of IPC in Crime No.194 of 2023 on the complaint given by the second petitioner and it is a case in counter. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that due to previous enmity, on account of collection of tamarind, the petitioners assaulted the defacto complainant with hands and abused her with filthy language. He further submitted that the injured has been discharged from the hospital and it is a counter case. However, he opposed for grant of anticipatory bail to the petitioners.

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



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6. Considering the above fact and circumstances of the case and also considering the fact that the victim has been discharged from the hospital, 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 is made ready, before the **learned Judicial Magistrate, Gingee**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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.



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[b] the petitioners shall report before the respondent police on 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.

[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.

15.06.2023

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