



Crl.O.P.No.13280 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Arumugam, Hariharan, Lakshmi, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 447, 294(b), 354 of IPC, 1860 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 pending on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners and the defacto complainant are relatives. In a property dispute, false and exaggerated complaint was given, on the basis of which, FIR in Crime No. 447, 294(b), 354 of IPC, 1860 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 was registered against the petitioners. Apprehending arrest, present petition is filed.

3. In response, learned Government Advocate (crl. Side) submitted that, on the date of incident ie., on 04.11.2022 at about 07.00.p.m., accused had trespassed into house of the defacto complainant and sexually assaulted the defacto complainant's daughter.



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4. It is seen from the FIR allegations that, there is a dispute with regard to the property left by one Govindhasamy, among his wife and children. Govindhasamy's wife had already given complaint in this regard. Thus, it appears that, due to property dispute, this complaint was given. Considering the facts and circumstances of the case and that material part of the investigation might have been over by this time, this Court is inclined to grant anticipatory bail to the petitioners for the reason that, custodial interrogation of the petitioners is not necessary in this case.

5. Accordingly, 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, Katpadi** on condition that the petitioners shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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



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petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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 daily at 10.30.a.m., until further orders

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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].



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[f] If the accused thereafter absconds, a fresh

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FIR can be registered under Section 229A IPC.

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