



Crl.O.P.No.13272 of 2023

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DR.G.JAYACHANDRAN,J.

These two petitioners who apprehend arrest at the hands of the respondent police in view of the complaint given by the defacto complainant for the offences punishable under Sections 294(b) and 323 of IPC r/w Section 4 of TNPWH Act, 2002, in Crime No.196 of 2023, seek anticipatory bail.

2. Reading of FIR indicates that in the disputed land when the accused have engaged JCB machine and clearing the field, the defacto complainant protested for clearing the field and the accused Dhashinamoorthy and Kuppusamy abused her in filthy language and pulled her hands and the father-in-law of the defacto complainant was attacked by the accused. The said Dhashinamoorthy and Kuppusamy are father and son, shown as accused, came before this Court seeking anticipatory bail stating that the land belongs to them and they were clearing their own land that was objected by the defacto complainant and



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her father-in-law, due to which there was wordy quarrel and to wreck vengeance, a false complaint is exaggerated on file and the same is registered under Section 294(b) and 323 IPC r/w Section 4 of Women Harassment Act.

3. This Court on perusing the CD file and hearing the learned Government Advocate (Crl. Side), finds that a civil dispute has been given criminal colour and it is a dispute between two neighbour for which custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

4. 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, Ranipet**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties each for a like sum to the



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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 daily 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



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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.

16.06.2023

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