



Crl.O.P.No.13407 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 294(b), 341, 354(A) and 506(ii) of IPC r/w Section 34 of IPC, in Crime No. 40 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complaint is that on 29.04.2023, when she was returning home from her college, the petitioners had in furtherance of common intention waylaid her and abused her by obscene words and physically touched her hip and involved unwelcome explicit sexual acts against her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false counter complaint has been given. He would further submit that all the complaints given by the third petitioner against the brother of the defacto complainant for having taken away



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obscene video of her daughter and a case in Crime Number 39 of 2023 came to be registered against the defacto complainant and her brother of the defacto complainant one Sakthivel and only as a counter blast, the defacto complainant has given a false complaint as if the second petitioner had abused her daughter. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for the grant of anticipatory bail to the petitioners.

4. The learned Public Prosecutor, Puducherry appearing for the respondent would submit that the petitioners are neighbours of the defacto complainant and the second petitioner has misbehaved with the daughter of the defacto complainant when she was returning home from her college by standing in front of her and further when it was questioned by the defacto complainant, the other accused have abused and assaulted the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.



Crl.O.P.No.13407 of 2023

5. Heard the learned counsel for the petitioners and the learned Public Prosecutor, Puducherry and perused the materials available on record including the FIR.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on both sides, 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, Karaikal**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties 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



Crl.O.P.No.13407 of 2023

further condition that:

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[a] the petitioner and the surety 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 stay at Tiruvannamalai and report before the Tiruvannamalai Town Police Station, 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.

27.06.2023

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Crl.O.P.No.13407 of 2023

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Crl.O.P.No.13407 of 2023

27.06.2023