



Crl.OP.No.14009 of 2023

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A.D.JAGADISH CHANDIRA, J.

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 324 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1988 in Crime No.30 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Chitra, who is the wife of the first petitioner is that during the second week of February 2003, due to family dispute, there was a quarrel between the petitioners and the defacto complainant and at that time, the petitioners had abused the defacto complainant with filthy language, harassed her and attacked her by using hands. Hence, the case.

3. The learned counsel for the petitioners would submit that this is the second application for anticipatory bail. He would further submit that the petitioners were earlier granted anticipatory bail in Crl.OP.No.6892 of 2023 dated 31.03.2023. However, the petitioners were unable to furnish sureties



within a stipulated and thereby the earlier order got lapsed. Hence, the present petition and he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that due to family dispute, there was a quarrel between the petitioners and the defacto complainant and at that time, the petitioners had abused the defacto complainant with filthy language, harassed her and attacked her by using hands. However, he would further submit that the petitioners were earlier granted anticipatory bail in Crl.OP.No.6892 of 2023 and he was unable to execute sureties. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records including the FIR.

6. Taking into consideration the facts and circumstances of the case, and the submissions made by both counsel and the petitioners have voluntarily come forward to execute sureties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of “ *The Taluk Legal Service Authority attached to the Concerned Court*” and on such deposit and production of proof, 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 District Munsif-Cum-Judicial Magistrate, Uthiramerur* on condition that each of the petitioners shall execute separate bonds 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 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/trial Court 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday 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] 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, as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

[f] if the petitioners herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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