



Crl.O.P.No.14232 of 2023

A.D.JAGADISH CHANDIRA, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.120 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, the petitioners assaulted the defacto complainant and thereby caused injuries to him. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He further submitted that based on the complaint given by the petitioners, a counter case has been registered against the defacto complainant in Crime No.121 of 2022. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submitted that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.



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6. Considering the above facts and circumstances of the case and also of the fact that there is a case in counter and that the injured 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 his appearance, within a period of fifteen days from the date on which the order copy is made ready, before **the learned Judicial Magistrate No.II, Pollachi**, on condition that the petitioners shall execute separate bonds 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 his Aadhar card or Bank pass Book to ensure their identity.



[b] the 1st petitioner shall report before the respondent Police, everyday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation; the 2nd and 3rd petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation ;

[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.

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