



Crl.O.P.No.16167 of 2023

Crl.O.P.No.16167 of 2023

G.CHANDRASEKHARAN. J.

The petitioners namely Sarala, J.Daisy @Jayanthi, Rubesh & Akash, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 448, 294(b), 323, 354 & 506(I) of IPC in Crime No.432 of 2023 pending on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, false and exaggerated complaint was given against the petitioners by the defacto complainant, resulting in registration of the FIR in Crime No.432 of 2023. He further submitted that, there is a case in counter in Crime No.431 of 2023 for the offence under Sections 294(b), 324 and 506(ii) of IPC registered against the defacto complainant, based on the complaint given by the 2nd petitioners. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (crl. Side) submitted that, there is a property dispute between defacto complainant and the accused. On 13.06.2023 at about 11.00.a.m., accused had



Crl.O.P.No.16167 of 2023

illegally trespassed into the house of the defacto complainant and scolded her in filthy language. Not only that, accused Rupesh held the hands of the defacto complainant's daughter and also pressed her breast. Therefore, this complaint.

4. It is seen from the allegations that, there is a property dispute between the defacto complainant's family and accused family. Due to which, accused Rupesh, Akash and Sarala harassed the defacto complainant's daughter. It is hard to believe that, a person can sexually harass the victim in front of others. However, without going into the merits 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 No.I, Poonamallee** on condition that the petitioners



CrI.O.P.No.16167 of 2023

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 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



WEB COPY



CrI.O.P.No.16167 of 2023

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.

24.07.2023

sma



WEB COPY



Crl.O.P.No.16167 of 2023

G.CHANDRASEKHARAN. J.

sma

Crl.O.P.No.16167 of 2023

24.07.2023