



CrI.O.P.No.16408 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Raja, Kumaresan, Aiyappan @ Iyappan and Kompan @ Chinnathurai, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 341, 323, 506(1) IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.146 of 2023 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case in Crime No.146 of 2023 for the offences under Sections 294(b), 341, 323, 506(1) IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act. It is his further submission that, due to previous enmity in connection with a land dispute, defacto complainant gave this false complaint against the petitioners. Petitioners are innocents. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes this



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petition, on the ground that, due to previous enmity in connection with a land dispute, on 25.06.2023 at about 11.30 a.m., accused had abused the defacto complainant in filthy language and beaten her. As a result, she suffered simple injuries. He further submitted that, injured had been treated and discharged from the hospital. Thus, he prays for dismissal of this petition.

4. Considering the nature of the offence and that injured had been discharged from the hospital and that material part of the investigation might have been over by this time, this Court is of the view that, custodial interrogation of the petitioners is not necessary and 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.1, Mettur**, on condition that 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:



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[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 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].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.07.2023

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