



Crl.O.P.No.16610 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely Kamalavalli, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324, 506(ii) and 354 IPC and 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.442 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case in Crime No.442 of 2023 for the offences under Sections 294(b), 324, 506(ii) and 354 IPC and 4 of Tamil Nadu Prohibition of Women Harassment Act. It is his further submission that, petitioner and accused are relatives. Due to a business dispute, there is a previous enmity between them. On the basis of the false complaint given by the defacto complainant, first information report came to be registered against the petitioner. 1st accused was arrested and released on bail. Apprehending arrest at the hands of the respondent, this petition is filed.



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3. Learned Government Advocate (Criminal side), opposes this petition, on the ground that, there is a business dispute between the defacto complainant and the accused. Defacto complainant is running a flower shop and accused is running a cloth shop in platform. There were frequent quarrel between them. On 02.07.2023, at about 9.30 p.m., a business issue between them started. 1st accused tried to attack the defacto complainant's husband with knife. When defacto complainant interfered, she suffered injuries on her breast and left forehead. Thus, he prays for dismissal of this petition.

4. Considering the fact that, there is no specific overtact alleged against this petitioner, except that, she was present along with 1st accused and that 1st accused was arrested and released on bail and that the material part of the investigation might have been over by this time, this Court is of the view that, custodial interrogation of the petitioner is not necessary and the petitioner is 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 made ready, before **the learned Judicial Magistrate Court-I, Tambaram**, on condition that the petitioner shall execute a bond for a sum



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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 petitioner 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 petitioner shall report before the respondent police as and when required for further interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the



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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.

28.07.2023

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G.CHANDRASEKHARAN. J.



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