



Crl.O.P.No.16873 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Shanmuga Priya and Santhosh, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 342 IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.561 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. 561 of 2023 for the offences under Sections 294(b), 323, 342 IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act. Petitioners are innocents. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes on the ground that, when defacto complainant visited her mother's house in Thiruthuraipoondi, on 08.07.2023, at about 8.30 p.m., her brother namely Gurukarna @ Karthikeyan was shouting under the influence of



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alcohol. The residents opposite to her house, namely Shamuga priya, her husband Govindasamy and her son Santhosh asked her brother, as to why he was shouting like that. When defacto complainant tried to intervene, she was scolded in filthy language by the accused and beaten her. He further submitted that, injured had been treated and discharged from hospital. Thus, he prays for dismissal of this petition.

4. Considering the nature of allegations made against the petitioners and the fact that, and that injured had been treated and 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 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 Judicial Magistrate Court, Thiruthuraipoondi**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties** each for a like sum to the satisfaction of the respondent



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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 their Aadhar card or Bank pass Book to ensure their identity.

[b] (i) the 1st petitioner shall report before the respondent police as and when required for interrogation;

(ii) the 2nd petitioner 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,



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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.

02.08.2023

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