



Crl.O.P.No.17606 of 2023

RMT.TEEKAA RAMAN, J.

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The petitioners/A2 and A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of Indian Penal Code, 1860 r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002 in Crime No.218 of 2023, seek anticipatory bail.

2. The case of the prosecution is that there was land dispute between family members of the 2nd petitioner and the defacto complainant and on 06.07.2023, when the father of the defacto complainant came to his house, petitioners along with A1 came to the defacto complainant's house, used filthy language and by using iron rod assaulted and caused hurt to the defacto complainant and his father and also threatened with dire consequences. The 1st petitioner had pushed and kicked the defacto complainant's wife and also harassed her. Hence, the complaint.

3.The learned counsel for the petitioners would submit the petitioners and the defacto complainant are close relatives and due to land dispute and previous enmity, they have been falsely implicated in this



case and a case in counter has been registered in Crime No.219 of 2023.

He further submitted that the injured has been discharged. Therefore, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the counter case in Crime No.219 of 2023 is also for the similar nature and A1 in this case has been arrested and remanded to judicial custody and subsequently, enlarged on bail on 20.07.2023. Learned Government Advocate further submitted that the injured got discharged, however, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and submissions of the learned Counsel and also the fact that a case-in counter has been registered in Crime No.219 of 2023 and that the co-accused/A1 has been enlarged on bail and also that the injured has been discharged, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

6.Accordingly, 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 at Arakkonam**, on condition that **each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 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 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



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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;

08.08.2023

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