



Crl.O.P.No.17927 of 2023

Crl.O.P.No.17927 of 2023

WEB C.V.SIVAGNANAM, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offences punishable under Sections 294(b), 323, 448, 506(ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.187 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Petitioner along with his wife was picking mangoes from a nearby tree, at that time, the defacto complainant questioned the Petitioner, which turned into a wordy quarrel and thereafter, it is alleged that the Petitioner has trespassed the defacto complainant's house and assaulted him and his wife. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that, to take revenge on the Petitioner, the defacto complainant has lodged the above complaint with cooked-up facts and the respondent police without making proper enquiry has foisted the above FIR. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Criminal Side) for the Respondent would submit that already the injured has been discharged from the Hospital and he vehemently opposed to grant anticipatory bail to the Petitioner.



WEB COPY

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel on either sides and the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions.

7. Accordingly, 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, Sriperumbudur** on condition that the Petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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, everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required;**



Crl.O.P.No.17927 of 2023

WEB COPY

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

14.08.2023

sai/spp



WEB COPY



Crl.O.P.No.17927 of 2023

V.SIVAGNANAM, J.

spp

Crl.O.P.No.17927 of 2023

14.08.2023