



*Crl.O.P.No.17709 of 2023*

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**RMT.TEEKAA RAMAN, J.**

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 294(b), 352, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.252 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 16.06.2023, the Defacto Complainant lodged a complaint before the Respondent police and CSR.No.110 of 2023 was issued. The respondent went to the scene of occurrence on 04.07.2023 and registered FIR. The Defacto Complainant's elder son is a Union Secretary of Indian Communist Party of Needamangalam. On 16.06.2023, at about 9.30, the Defacto Complainant's relative went to Chennai for treatment. At that time, in front of Needhi house, A1 & A2 talking in abusive language and suddenly came to Defacto Complainant's house and abused him in filthy language by knocking the door. Further, A2 pushed the Defacto Complainant's bike. When the same was questioned by the Defacto Complainant's wife they pulled his wife and daughter's hair and attacked them. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners are brothers and the above case was registered against them before



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the Respondent only at the influence of the Defacto Complainant. On plain reading of the FIR itself shows that there is 18 days delay in registering the FIR. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Crl. Side) for the Respondent vehemently opposed to grant anticipatory bail to the Petitioners.

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 nature and gravity of the alleged offences, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions.

7.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 II, Mannargudi**, on condition that the Petitioners 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



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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., for a period of three weeks and thereafter on every Saturday 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 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.

**11.08.2023**

*sai*



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**RMT.TEEKAA RAMAN, J.**

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