



Crl.O.P.No.19576 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 147, 294(b), 323, 427, 448, 355 & 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002, in Crime No.289 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 20.05.2023, the Petitioners and other Accused illegally trespassed into the Defacto Complainant's house and started the quarrel with filthy language. Meanwhile, the Petitioners and other Accused attacked the Defacto Complainant and his family members. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that Petitioners were forcibly kicked out of the house of the Defacto Complainant. At the time of occurrence, the first Petitioner was four months pregnant and now she is seven months pregnant. This is a case in counter. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that this is a case in counter and produced the AR copy in



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connection with the counter case in Cr.No.290 of 2023. He is vehemently opposed to grant anticipatory bail to the Petitioner.

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 this is a case in counter, the first Petitioner is seven months pregnant now, and on perusing the AR copy in connection with Cr.No.290 of 2023, 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, Poonamallee** 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 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



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pass Book to ensure their identity;

[b] the Petitioners shall report before the Respondent Police, on everyday at 10.30 am for a period of three weeks and thereafter as and when required;

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

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