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Crl.O.P.No.21706 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 341, 294(b), 323, 324, 427, 368, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.845 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 01.08.2023 at about 7.00 p.m., the defacto complainant's sister Jothimani had called the defacto complainant and informed him that her son Suryaprakash @ Karunakaran and one Priyadharshini were in relationship. It is further alleged that on knowing the same, the petitioner along with other accused waylaid the defacto complainant and his family members and abused them in filthy language and assaulted with stones and also damaged their car. Hence, the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioners also lodged a counter case against the defacto complainant. He would further submit that A5 in this case was arrested and released on bail by this Court in Crl.O.P.No.19971 of 2023 on 31.08.2023 and A1 was also granted bail in Crl.M.P.No.2041 of 2023 on 12.09.2023. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) submitted that due to love affair issue between the petitioner's family and the defacto complainant's family, the petitioner along with other accused waylaid the defacto complainant's family and abused them in filthy language and assaulted them with stones and thereby caused injuries. He would further submit that the petitioner has previous cases pending against him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) for the respondent and perused the materials.

6. It is seen that the Principal Sessions Judge, Tiruppur, has granted bail in respect of one of the accused Selvakumar/A1, in Crl.M.P.No.2041 of 2023 dated 12.09.2023 and in Crl.M.P.No.2065 of 2023 dated 12.09.2023 has granted anticipatory bail to the accused 6 to 9. The petitioner is arrayed as A2 and he is having similar overt act as that of the A6, who was granted anticipatory bail. The learned counsel for the petitioner submitted that the previous cases pending against the petitioner are general in nature and the present case is with regard to love affair issue between the parties.

7. Considering the facts and circumstances of the case and taking into consideration the fact that co-accused have been arrested and released on bail, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:



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8. 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 **Judicial Magistrate, Palladam**, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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;

[c] the petitioner shall report before the respondent police daily Morning at 10.00 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

21.09.2023

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