



Crl.O.P.No.27371 of 2022

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 323, 324, 427 & 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.305 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 15.10.2022, the petitioners have taken photographs of the de-facto complainant's house and when it was questioned by the de-facto complainant, there was an altercation between both the parties, during which, the accused abused the de-facto complainant in a filthy language and assaulted her, causing injuries. Hence the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and due to the previous enmity, they have been falsely implicated in this case. He also stated that on 15.10.2022, there occurred a wordy altercation between the petitioners and the de-facto complainant, due to which, the petitioners have also lodged a complaint as against the de-facto complainant in Crime No.306 of 2022. He further submitted that the petitioners



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are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to previous enmity, there was a dispute between both the parties, during which, the de-facto complainant suffered injuries. He also stated that it is a case and a case in counter. He also submitted that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 No.II, Kanchipuram**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

02.01.2023

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