



Crl.O.P.No.24134 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners/A2 and A3 seek anticipatory bail in Crime No.128 of 2023 registered by the respondent Police for the offence under Sections 448, 376, 323, 324 and 506(ii) of I.P.C r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act.

2.It is stated that the petitioners herein are sons of A1. It is the case of the prosecution that A1 had committed offence under section 376 of I.P.C against the victim who is a mentally retarded person. The husband of the victim has filed the F.I.R, wherein it is stated that these two petitioners have committed offence under Sections 323,324 and 506(ii) of I.P.C. It is further stated that A1 had been granted bail by the learned Principal Sessions Judge, Chengalpattu in Crl.M.P.No.2156 of 2023 on 17.04.2023. Investigation has been completed.

3. In view of the above fact that particularly A1 has been granted bail and taking into consideration of the specific overtact against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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4. 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 Additional Mahila Court, Chengalpattu**, on condition that the petitioners shall execute a 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 pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m., until further orders.

[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;

21.11.2023

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