



CrI. O.P. No.390 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners/A1 to A4 who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 427, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 registered in Crime No.417 of 2023 on the file of the respondent police seek anticipatory bail.

2. It is stated that the petitioners and the defacto complainant are all relatives and there was an existing dispute over the common pathway. It is also stated that with respect to the same, the 3rd petitioner has filed a Civil Suit in O.S. No.285 of 2023, which is now pending before the learned Principal District Munsif, Attur, Salem. The dispute escalated into violence leading to lodging of complaint and registration of case. However, the injured has been discharged from the hospital.

3. It is stated by the learned counsel appearing for the defacto complainant/intervener that some restriction should be placed on the petitioners from residing in the same area. That is not possible. In view of



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the nature and circumstances, considering the fact that civil suit is pending, let an affidavit be filed by each one of the petitioner at the time of execution of sureties that they would not escalate any issue between them and the defacto complainant and the parties of issue before the Civil Court.

4. Taking an over all consideration of the entire facts of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned XIII Judicial Magistrate No.I, Attur, Salem** on condition that the petitioners shall each 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:



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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 1 & 4 shall report before the respondent Police, every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[c] the 2nd petitioner shall report before the respondent police weekly once for a period of two weeks and thereafter as and when required for interrogation and

[d] the 3rd petitioner shall report before the respondent police, as and when required;

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

[f] the petitioners shall not abscond either during investigation or trial;



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[g] 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]**;

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

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