



Crl.O.P.No.2137 of 2024

WEB COPY

**Crl.O.P.No.2137 of 2024**

**C.V.KARTHIKEYAN, J.**

The petitioner/second accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 353 of IPC read with Section 4 of TNPHW Act in Crime No.857 of 2023, seeks anticipatory bail.

2. It is stated that the first accused is the husband of the second accused. There was yet another accused / A-3. The accused Nos. 1 to 3 had visited Thiruvannamalai Temple and inside the temple, a quarrel arose with the defacto complainant. It is stated the defacto complainant / Inspector of Police had asked them to come out after worship and at that time, a wordy quarrel arose among the three accused and the defacto complainant. It is further stated that the second accused had slapped the defacto complainant. This led to lodging of a complaint and registration of First Information Report.

3. It is stated by the learned Government Advocate (Crl. Side) that it was the second accused who had slapped the defacto complainant and not this petitioner/A-1. It is stated that the third accused had been arrested and remanded to custody.

4. A representation is made by the husband of the defacto complainant and it is stated that the defacto complainant cannot intervene in the petition since she is an Inspector of Police.



CrI.O.P.No.2137 of 2024

WEB COPY

5. The husband is a stranger to the entire issue and he has no locus standi to address the Court and therefore, the representation by the counsel is rejected.

6. Taking all the factors into consideration, and the specific overt act as against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 No.1, Thiruvannamalai, on condition that the petitioner 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 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.



CrI.O.P.No.2137 of 2024

WEB COPY

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

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

**05.02.2024**

vsg



WEB COPY



Crl.O.P.No.2137 of 2024

**C.V.KARTHIKEYAN, J.**

vsg

**Crl.O.P.No.2137 of 2024**

**05.02.2024**