



Crl.O.P.No.2471 of 2024

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C.V.KARTHIKEYAN, J.

This matter has been oscillating before this Court to and fro for a few hearings.

2. 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 Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.857 of 2023, seeks anticipatory bail.

3. All the accused person went over to a temple at Tiruvannamalai. They should have come out with peace in their mind. But it is stated that the defacto complainant was slapped allegedly by the petitioner herein. The other accused had the benefit of grant of anticipatory bail and bail. This petitioner is A-2.

4. The learned senior counsel for the petitioner pointed out a string of discomforts which the petitioner faces physically and stated that it has been practically impossible for medical treatment to be given owing to the pendency of the First Information Report.

5. The learned Government Advocate (Crl. Side) stated that the



Crl.O.P.No.2471 of 2024

investigation has been completed on all aspect but that the petitioner has not appeared and to that end, the investigation could not be completed.

6. Taking all the factors into consideration, particularly the health condition of the petitioner wherein she states that she is taking medications for coronary artery disease and other co-morbid conditions for the past several years and degenerative spine disease ie., L5-S1 spinal level spondylolisthesis with bilateral neural canal stenosis due to which she cannot sit or stand continuously for more than two hours, 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 Principal District and Sessions Judge, Tiruvannamalai, 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



Crl.O.P.No.2471 of 2024

WEB COPY

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 one week and thereafter once in a week ie.,every Monday at 10.30 a.m, for a period of three weeks and thereafter as and when required.

[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.

21.03.2024

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Crl.O.P.No.2471 of 2024

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Crl.O.P.No.2471 of 2024

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