



Crl.OP.No.4767 of 2024

Crl.O.P.No.4767 of 2024

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C.V.KARTHIKEYAN,J.

The petitioners/A2 and A3 in Crime No.119 of 2024 registered by the respondent police for the offences punishable under Sections 294(b), 341 of IPC r/w Section 4 of Tamilnadu Prohibition of Women Harassment Act and Sections 89 and 92 of The Rights of persons with Disabilities Act, 2016, seek anticipatory bail.

2. It is stated that A1 had been arrested and still in custody.

3. It is the case of the respondent that the accused, had often abused and made fun of the daughter of the defacto complainant who unfortunately is a special child. The present petitioners have filed an undertaking affidavit. The relevant portion of the said affidavit is extracted here under:



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" 6. *We humbly submit that in the situation, even though we did not commit any offence as alleged in the FIR, we hereby undertake that hereafter, we will not abuse the defacto complainant and/or her daughter.*

3. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

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 Judicial Magistrate-II, Thiruvallur*** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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



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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 everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required.

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

[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.

07.03.2024

Vv

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