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Crl.O.P.No.10524 of 2024

T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 155(A) and 506(ii) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.231 of 2024, seek anticipatory bail.

2. The case of the prosecution is that during the election campaign, there was a dispute, and after the election the petitioners went to the defacto complainant's shop and abused and also caused damaged to the shop worth about Rs.2 lakhs. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that it is a case and case in counter. He further submits that if the petitioner is released on bail, he will tamper the witnesses and he will not appear for investigation. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners, on instructions, submitted that without prejudice to the rights, the petitioners are prepared to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of crime number and also submitted that the petitioners has no objection in the amount being released in favour of the de-facto complainant.

6.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel that the petitioners without prejudice to their rights are volunteered to deposit a sum of Rs.10,000/-, each to the credit of the Crime Number, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.

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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***Judicial Magistrate No.III, Tiruppur,*** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a) **Each of the petitioners shall deposit a sum of Rs.10,000/- to the credit of Crime No.231 of 2024 before the concerned Magistrate within two weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;**

[b] 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;

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[c] the petitioners shall stay at Trichy and report before the Trichy Town Police Station on alternative days at 10.30 a.m. for a period of eight weeks;

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

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

[f] 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];**

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

29.04.2024

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