



Crl.O.P.No.12661 of 2024

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T.V.THAMILSELVI, J.

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The petitioners, who apprehends arrest for the alleged offence punishable under Sections 147, 323, 324 of IPC and Section 4 of Tamil Nadu Prohibition of Harrassment in Women Act 2002 in Crime No.235 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant Srisha was going in her car for her relatives functions, it is alleged that the petitioners were erecting a banner in the road, the car was not able to move fastly, the 2nd petitioner Bharathi dashed the defacto complainant sister's car with his Auto, when this was questioned by the defacto Complainant the 1st petitioner assaulted her with a helmet and the 2nd petitioner tore her dress, thereafter the defacto complainant was pushed down and attacked by the 3rd and 4th petitioner. Hence the complaint.

3. The learned counsel appearing for the petitioners submit on 04.05.2024 one Athavan under the influence of Alcohol tore the Banner of the petitioners political party when the petitioners questioned the defacto



complainant's husband, her family members along with Athavan launched a assault on the family of the petitioners with the intention of killing them. He would submit that petitioners are an innocent person and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submit the 2nd petitioner Bharathi dashed the defacto complainant sister's car with his Auto, when this was questioned by the defacto Complainant the 1st petitioner assaulted her with a helmet and the 2nd petitioner tore her dress, thereafter the defacto complainant was pushed down and attacked by the 3rd and 4th petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the intervenor would submit that the defacto-complainant was attacked by the petitioners and due to that defacto complainant's was damaged. Hence, he opposed to grant anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side,



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this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the **learned Metropolitan Magistrate No. XXIII, Saidapet, Chennai** on condition that the petitioners 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 petitioners are directed to deposit a sum of **Rs.50,000/- (Rupees fifty Thousand only)** to the credit of Crime No. 235 of 2024, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond



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and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners are directed to report before the respondent police on every Saturday at 10.30am., for a period of eight weeks and thereafter, as and when required for interrogation;

[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]**;



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

[h] the defacto complainant is permitted to withdraw the amount deposited by the petitioners in Crime No.235 of 2024, on proper identification, in the manner known to law.

05.06.2024

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