



Crl.O.P.No.13129 of 2024

T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest for the alleged offences punishable under Sections 294(b), 323 and 506(i) of IPC r/w Under Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.36 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant had lodged a complaint stating that the 1st accused used filthy language and tried to assault and gave life threatening to the defacto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and no way connected with the alleged offence. They are hailing from a decent family and they undertake to abide by any conditions that may be imposed by this Court. They are ready to furnish any solvent sureties in the event of granting anticipatory bail. Hence he prays to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl. Side) vehemently opposed for grant of anticipatory bail to the petitioners. The petitioners herein disconnected the water and electricity connections of the defacto complainant and gave life threatening to her and also sent her out from the matrimonial home.

5.When the matter was taken up for hearing the husband of the defacto complainant appeared and submitted that there is a family dispute in respect of a partition of the properties pending between the petitioners and his son. A videograph was shown to the husband of the defacto complainant wherein the petitioners herein abused the defacto complainant and caused annoyance to the defacto complainant. He submitted that he is the son of the first petitioner and the first petitioner disconnected water and electricity connections for his son. Hence he requested this Court to direct the first petitioner to restore the water and electricity connection to his house.

6.Heard the learned counsel for the petitioners, and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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7.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, the petitioners are directed to be released on interim 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, Thirukoilore, Kallakurichi, 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 the petitioners, 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 and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall appear before the respondent



police 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 Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9. In view of the submissions made by the first petitioner's son, this Court directs the first petitioner to restore the water and electricity connections, within a period of one week. The first respondent is also directed not to cause any interference to the defacto complainant.



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