

Crl.O.P.No.14053 of 2024

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offences punishable under Sections 294(b), 323, 324 and 506(1) of IPC r/w Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.211 of 2024, on the file of the respondent Police seeks anticipatory bail.

2.The case of the prosecution is that there is a dispute between the defacto complainant and her husband Pandithurai. The relatives of the defacto complainant often used to disturb her and on 21.05.2024 at about 10.00 A.M, the petitioners and others went to the defacto complainant's house, abused and assaulted her. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioners by stating

that there is a family dispute between the defacto complainant and her husband. The petitioners assaulted the defacto complainant and he vehemently opposed for granting anticipatory bail to the petitioners.

5.Taking into consideration the facts and the submissions made by the learned counsel on either side and the investigation is completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 *learned Judicial Magistrate, Uthangarai* on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, **out of which one surety should be a blood surety** 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 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 report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks;

[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 has been imposed and the petitioners are 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]*; and;

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

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