



Crl.O.P.No.17102 of 2024

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 354 and 506(ii) of BNS r/w Section 4 of Women Harassment Act and Section 3 of TNPPDL Act, in Crime No.315 of 2024, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the defacto complainant is his own brother's wife. He further submitted that the petitioner along with surveyor measured the property, after measurement, the petitioner recited the properties in order to lay the boundary stones, at the time, due to rainfall, he depilated the building of Rs.15,000/- and the petitioner escaped from the accident. He further submitted that he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, prays for grant of bail to the petitioners.



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3. Learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioners and the defacto complainant are relatives. He further submitted that the petitioners along with other persons joined together and demolished the house, at the time of measuring the property. He further submitted that it is a case and case in counter. However, he vehemently opposed to grant bail to the petitioner.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.Side) for the respondent and perused the entire materials available on record.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner 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 District*



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Munsif cum Judicial Magistrate, Uthukottai, 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) 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 first and second petitioner shall report before the respondent police on every Saturday at 10.30 a.m, for a period of eight weeks and the third petitioner shall report before the respondent police as and when required for interrogation;

[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



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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;

22.07.2024

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