



Crl.OP.No.19325 of 2024

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P.DHANABAL,J

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 307 and 506(ii) IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.189 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The prosecution's case is that there was a wordy quarrel arisen due to previous enmity between the petitioners and the defacto complainant; therefore, based on the complaint given by the defacto complainant, a case was filed. Hence the petition.

3.The learned counsel for the petitioner would contend that the petitioners are innocent and they are falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The Government Advocate (criminal side) for the respondent police would submit that there was a verbal dispute, and they abused each other based on community and there was a case in counter registered in



Crl.OP.No.19325 of 2024

Crime No.188/2024 that was registered under SC and ST Act and the injured was discharged from hospital. The offences in this case come under IPC , hence, he opposed to grant bail to the petitioners.

5.Heard both side and perused the materials available on record.

6. Considering the rival representations made by both sides' learned counsels, and also considering the fact that the injured person was discharged from the hospital; there is an existence of a counter case, and the absence of a previous case of a similar nature against the petitioners, I am inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this Criminal Original Petition is **allowed** and the petitioners are ordered to be released on anticipatory bail in the event of their 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, Omalur, Salem District**, 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every



Crl.OP.No.19325 of 2024

day at 10.30 a.m., until further orders;

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[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the respondent police 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 anticipatory 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

12.08.2024

jrs



WEB COPY



Crl.OP.No.19325 of 2024



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To

- 1.The Judicial Magistrate, Omalur, Salem District.
2. The Inspector of Police,
Karuppur Police Station,
Salem District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

CRL OP.No.19325 of 2024

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