



Crl.O.P.No.28049 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) of IPC and Section 4 of TNPHW Act, 2002, in Crime No.461 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner abused the defacto complainant with derogatory acts and words affecting her modesty, when her uncle inquired about the first petitioner's activity, the other accused abused him in filthy language and assaulted him with hands. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that due to domestic quarrel, a false complaint has been given. He would further submit that there is no previous case against the petitioners. He would further submit that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl. Side), while opposing the grant of anticipatory bail, would submit that the petitioners are neighbours and during quarrel, the petitioners have abused the defacto complainant in filthy language and the first petitioner had committed sexual torture on the victim. He would further submit that there is no previous case against the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side, no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate Court, Gudiyatham**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties, each for



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a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the 1st petitioner shall stay at Cuddalore and report before the Old Town Police Station, Cuddalore, daily at 10.30 a.m., until further orders; the petitioners 2 and 3 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

20.11.2024

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