



Crl.O.P.No.28003 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 448, 506(2) IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Crime No. 249 of 2023, seek anticipatory bail.

2. It is stated that the first accused had been arrested and released on bail. The occurrence had taken place on 13.11.2023. It is stated that the wife of the defacto complainant had died. The first accused is a relative of the said deceased wife.

3. It is stated that the first accused and the petitioners herein had gone over to the house of the defacto complainant and picked up a quarrel which escalated into violence. It is stated that the first accused had assaulted with a brick which caused an eye injury to the defacto complainant but that overt act is not alleged against the petitioners herein.

4. Taking all those factors into consideration and the fact that the first accused had been granted bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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5. 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Ariyalur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties 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 this Court 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 Magistrate 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 daily 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



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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 229A IPC.

11.01.2024

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