



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6026 of 2022

VIJAYA KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION CENTRAL,
COIMBATORE CITY-641001.
CRIME NO.5 OF 2022.

[RESPONDENT]

For Petitioner : M/S.S.BALAMUKI, Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 354 A1(i), 354 A1(ii), 354 D1(i), 294 (b) of IPC and 4 of Tamil Nadu Prohibition of Harassment of Woman Act 2002, in Crime No.5 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioner herein is a practicing Advocate at Coimbatore, the defacto complainant is a client. The FIR indicates that the defacto complainant who entrusted her matrimonial dispute to the petitioner herein and he has received a sum of Rs.40,000/- as fees and not discharged his professional duties up to her expectations. Besides this, it is alleged that the petitioner started causing sexual harassment to the defacto complainant and used to abuse her, whenever he see her in the Court campus.

3. The learned counsel for the petitioner would submit that the defacto complainant who came as a client, in order to extract money, with an ulterior intention started making wild complaint against this petitioner, he, being an Advocate, is always ready and co-operate with



the investigation, but he apprehends arrest without proper investigation owing to the pressure exerted by the defacto complainant.

4. When the matter was taken up for hearing, the counsel representing the defacto complainant/intervenor sought time to file intervening petition. However, this Court, on going through the FIR and the statement of the public prosecutor, based on the instruction received from the Investigating Officer, is of the opinion that the defacto complainant herein is more concerned with harassing the petitioner herein rather than cooperating with the investigation. Therefore, it is suffice to grant anticipatory bail to the petitioner.

5. Considering the averments made in the FIR and the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the **learned Additional Mahila Court, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)**, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner 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;

(c) **the petitioner shall report before the Investigation Officer daily at 04.30 p.m., until further orders;**

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to



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take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

15/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA COURT
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION CENTRAL,
COIMBATORE CITY-641001.

+1 CC to M/S.R.PRABHAKARAN Advocate on payment of necessary charges SR.NO.4092

CRL OP.6026/2022

Date :15/03/2022

TA-22/03/2022