



Crl.O.P.No.16033 of 2022

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WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 323, 506(2) and 353 of IPC r/w. 4 of Women Harassment Act in Crime No. 180 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused trespassed into the defacto complainant's house and assaulted the defacto complainant's mother and kidnapped the defacto complainant's daughter. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner got married to the defacto complainant. Out of their wedlock, one female child was born. Due to misunderstanding, they are living separately. He would further submit that he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the husband and the defacto complainant is the wife. Due to misunderstanding, they are living separately. He would further submit



that the petitioner trespassed into the defacto complainant's house and had taken away their child. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor seeks indulgence of this Court to get the defacto complainant's minor daughter from the petitioner and not to take the child abroad.

6. Considering the above fact and circumstances of the case and this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the **petitioner is directed to hand over the minor daughter viz., Diya Natchatra, aged about 6 years to her mother viz., the defacto complainant, in the presence of the respondent police, forthwith and also file an undertaking of affidavit 'he will not take the child abroad'** and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Vellore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or



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the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

**[c] the petitioner shall hand over the minor daughter viz., Diya Natchatra, aged about 6 years to her mother viz., the defacto complainant, in the presence of the respondent police, forthwith and also file an undertaking of affidavit 'he will not take the child abroad'**

[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 take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be



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registered under Section 229A IPC.

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