



Crl.O.P.No.16255 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 354-D (ii) & 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.1 of 2022 on the file respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had married the defacto complainant on 14.12.2011 and the said marriage was a love cum arrange marriage. It was alleged that from the inception of the marriage the petitioner had tortured and harassed the defacto complainant in the matrimonial home, so the defacto complainant had left matrimonial home and living separately. But the petitioner had continuously stalking and monitoring the movements of the defacto complainant and thereby causing undue hindrance to her and she was facing life threat from the petitioner. Hence, this complaint.



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3. The learned counsel appearing for the petitioner submitted that the defacto complainant had lodged this false complaint before the respondent police and the respondent police without enquiry had registered the case against the petitioner. He further submitted that the petitioner is no connected with the alleged offence, the defacto complainant to harass the petitioner, lodged this false complaint. Hence he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent police submitted that there are two accused in this case, the petitioner is the first accused. He further submitted that the petitioner and the second accused have given life threat to the defacto complainant. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.



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6. Accordingly, 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 made ready, before the learned XVII Metropolitan Magistrate, Saidapet, Chennai-15, on condition that the petitioner shall execute separate 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 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 conditions 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 thereafter as and when required for interrogation.

[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



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trial.
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[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 registered under Section 229A IPC.

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