



Crl.O.P.No.20261 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(ii) IPC r/w Section 4 of the Tamil Nadu Prohibition of Women Harassment Act in Crime No.73 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the first husband of the defacto complainant, who went to her house, abused and attacked her using stone and also threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was granted anticipatory bail by this Court on 20.04.2021, however, he could not surrender and execute the sureties within the time due to Covid-19 Pandemic. Therefore, he seeks further time for complying the order of this Court in Crl.O.P.No.7378 of 2021. However, on instructions, he would further submit that the petitioner is



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ready to deposit as sum of Rs.5000/- to the Tamil Nadu State Legal Services Authority, Chennai as non-refundable deposit and prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was granted anticipatory bail by this Court in Crl.O.P.No.7378 of 2021, however he has not complied with the conditions imposed by this Court. Therefore, the earlier anticipatory bail petition stands automatically dismissed. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the fact that petitioner has come forward to deposit an amount of Rs.5000/- to the Tamil Nadu State Legal Services Authority, Chennai as non-refundable deposit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5000/- (Rupees Five Thousand only) to the Tamil Nadu State Legal



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Services Authority, Chennai as non-refundable deposit, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Judicial Magistrate Court No.II, Pollachi, Coimbatore 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 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 deposit a sum of Rs.5000/- (Rupees Five Thousand only) to the Tamil Nadu State Legal Services Authority, Chennai as non-refundable deposit, within a period of two weeks from the date on which the order copy made ready and the receipt of such deposit shall be produced before the concerned learned Magistrate at the time of execution of bond.



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[c] the petitioner shall appear 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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