



Crl.O.P.No. 21004 of 2022

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

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 354A of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No. 32 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant married one Deva on 10.06.2022 and she was living with her matrimonial home. It is alleged that after marriage, the defacto complainant came to know that her husband is not a normal person and he was behaving abnormally. According to the defacto complainant, her husband used to dash his head against the wall, hide himself under the cot and has not shown any inclination to perform his matrimonial obligations towards his wife. It is further alleged that the petitioner had touched the buttocks of the defacto complainant and also told her that he would try to satisfy her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and



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he has been falsely implicated in this case. Therefore, he prays anticipatory bail to the petitioner.

4. A perusal of the FIR reveals that on 25.06.2022, the petitioner touched the buttocks of the defacto complainant. The petitioner is the grandfather of the defacto complainant's husband.

5. Considering the above fact and circumstances of the case, the custodial interrogation of the petitioner is not required, 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 fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Komarapalayam, 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.



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[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 not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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