



Crl.O.P.No.22377 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498-A, 294(b), 323, 506(i) of IPC and Section 4 of the Women Harassment Act in Crime No.18 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that her husband/A1 had illicit intimacy with A2 and it was also encouraged by A3, who is the mother of A1 and when it was questioned by the defacto complainant, the accused have abused the defacto complainant in a filthy language, harassed her and also assaulted with hands. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that due to matrimonial dispute, a false complaint has been foisted against him. He would further submit that the petitioner and the defacto complainant are now separated and hence, he seeks for grant of anticipatory bail to the petitioner.



Crl.O.P.No.22377 of 2022

WEB COPY

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had illicit intimacy with A2 when the defacto complainant had questioned about the same, the petitioner abused the defacto complainant in a filthy language and assaulted her with hands. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant 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 made ready, before the learned Judicial Magistrate (Additional Mahila) Court, Vellore on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees



Crl.O.P.No.22377 of 2022

WEB COPY

Twenty Five 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 report before the respondent police daily at 10.30 a.m., until further orders;

[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



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Crl.O.P.No.22377 of 2022

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;

16.09.2022

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Crl.O.P.No.22377 of 2022

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Crl.O.P.No.22377 of 2022

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