



Crl.O.P.No.22167 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 294(b), 383, 506(ii) of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.278 of 2022, seek anticipatory bail.

2. The case of the prosecution is that, the petitioner was having relationship with defacto complainant and during such relationship, there was a money transaction in between them. Further allegation is that, the petitioner had discontinued his relationship with the defacto complainant and also refused to return the money borrowed from her. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and false complaint has been lodged against him. He would further submit that, on an earlier occasion, for the complaint lodged by the defacto complainant against the petitioner,



enquiry was conducted and the same has been closed. Subsequently, the defacto complainant again lodged the present complaint. He would further submit that, the petitioner appeared for the enquiry conducted by the respondent based on the complaint lodged by defacto complainant regularly. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that, now, the investigation completed and the respondent is ready to file the charge sheet on the file of the learned Judicial Magistrate, Uthangarai. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail 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 - Uthangarai** 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 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 learned Judicial Magistrate Uthangarai daily at 10.30.a.m., for a period of one weeks and thereafter appear on all the dates fixed by the trial Court.

[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]**.



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

12.10.2022

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