



Crl.OP.No.22939 of 2022

Crl.OP.No.22939 of 2022

A.D.JAGADISH CHANDIRA, J.

WEB COPY

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376, 354, 354A, 324 and Section 4 of TN Prohibition of Harassment of Women Act 2002 in Crime No.1 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sathiya is that she was working as house maid in the house of the accused and that on 09.01.2022, when she was working in the house, the accused had misbehaved with her and attempted to rape her. When the defacto complainant attempted to prevent the same, the accused assaulted her indiscriminately on her private parts, due to which, she sustained injuries and thereafter, she was taken to women hospital at Egmore and treated as in-patient. Based on the complaint, a case was registered for the offences punishable under Sections 376, 354, 354A, 324 and Section 4 of TN Prohibition of Harassment of Women Act 2002. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent. He would further submit that some jewels in the



house of the petitioner were found missing, since the petitioner has suspected the defacto complainant, there arose quarrel, but the defacto complainant exaggerated the issue and gave a false complaint. Later, the defacto complainant understood the mistake committed by her and reconciled the dispute. She has also filed an affidavit before this Court that due to anger, she has given a false complaint against the petitioner. The learned counsel for the petitioner would reiterate that no such incident had happened and a false complaint has been given. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the defacto complainant is a house maid and she is working in the house of the petitioner. As per the allegation in the complaint, the petitioner had attempted to commit rape on her. When the defacto complainant had prevented her, the accused had assaulted her indiscriminately with his hands on her body as well as on her private parts, resulting in her sustaining injuries. The respondent police on intimation from the hospital had taken the statement from the victim lady and thereafter registered a case, subsequently, 164 statement was also recorded from the victim, wherein she has reiterated the averments made in the complaint. Now, the respondent



police comes to understand that the matter has been compromised between the parties. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The victim is present before this Court and she is identified by her counsel. She has filed an sworn affidavit before this Court.

6. The learned counsel for the victim/intervenor would submit that there was a quarrel between the defacto complainant and the petitioner since the petitioner suspected that the victim had stolen some jewels. The victim being enraged by the same in a fit of rage and wrong advice had given an exaggerated complaint as if the petitioner had attempted to commit rape on her and later assaulted her and caused injuries on her.

7. This Court enquired the defacto complainant who is present before this Court and she would submit that there was a quarrel during which time sustained bleeding injuries and other than that nothing had happened and that there was no attempt to commit rape. She would further submit that since petitioner suspected her to have committed theft of jewels, She had in a fit of rage given an exaggerated complaint against the petitioner.



8. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail with certain conditions.

9. 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 Court-I, Poonamalle* on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees 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 every day at 10.30 a.m for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.



Crl.OP.No.22939 of 2022

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

WEB COPY

[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.

10.11.2022

Vv



WEB COPY



Crl.OP.No.22939 of 2022

A.D.JAGADISH CHANDIRA, J.

Vv

Crl.OP.No.22939 of 2022

10.11.2022