



Crl.O.P.No.22931 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), 323 of IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Crime No.393 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Krishnan is that his wife had grazed her cattle in the land belonging to one Pachaiyappan/petitioner herein. The accused 2 and 3, who are relatives of said Pachaiyappan had abused her and assaulted her, resulting her in sustaining injuries. Being humiliated by the accused, the defacto complainant's wife had consumed Rat Paste on 26.08.2022 and thereby, after two days, a case has been registered against the petitioners for the offences under Sections 294(b), 323 of IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002. Later, after the death of the victim, the case has been altered to Section 306 of IPC. Hence, the case.

3. The learned counsel appearing for the petitioner would submit



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that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that other than being the owner of the land, the petitioner has nothing to do with the alleged offence. Even in the suicide note, there is no allegation made against the petitioner. He would further submit that A2 & A3 in this case have been arrested and released on bail by the learned Principal Sessions Judge, Krishnagiri in Crl.M.P.No.2180 of 2022 dated 16.09.2022. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the defacto complainant's wife had grazed cattle in the land belonging to Pachaiyappan. The Accused 2 and 3, who are relatives of the petitioner had abused the defacto complainant's wife with filthy language and had assaulted her. Being humiliated by the accused, the victim had committed suicide. Further, the victim has not made any specific allegation against the petitioner in the suicide note. A2 and A3 were arrested and enlarged on bail by the Principal Sessions Judge, Krishnagiri. However, he opposed to grant anticipatory bail to the petitioner.



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5. Taking note of the facts and circumstances and also taking note of the fact that there is no specific allegation made against the petitioner in the suicide note, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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, Krishnagiri District** 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;

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[b] the petitioner shall report before the respondent police every day at 10.30 am for a period of two weeks and thereafter every Saturday at 10.30 am until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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]*; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

23.09.2022

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