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Crl.O.P.No.23454 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 341, 294(b), 323, 324, 506(2), 109 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.203 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant is that she is an Advocate of the wife of the accused and when the accused had continuously harassed her, she had given a complaint as against the accused and as a retaliation, the accused had assaulted her and her client. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and that the petitioner had married the client of the *de-facto* complainant one Mrs. Seerin on 23.03.2015 and



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they are blessed with two children. The petitioner's wife is working as a Police Constable Grade II in All Women Police Station at Avadi and there was a matrimonial dispute and several issues are pending. Therefore, the wife of the petitioner had instigated her advocate and given a false complaint. He would further submit that a case of matrimonial dispute is blown out of proportion and no one was injured in the above incident. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner had assaulted his wife and her advocate. He would further submit that the investigation is pending. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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, Arakonam, 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 everyday at 10.30 a.m. for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further Orders.**

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



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

27.09.2022

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