

CrI.O.P.No.23587 of 2022**T.V.THAMILSELVI, J.**

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The petitioner who apprehends arrest for the alleged offence under Sections 294(b), 384, 498 (A) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Cr.No.17 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and defacto complainant are husband and wife. The petitioner is arrayed as A1 in this case, he married the defacto complainant and he cajoled, ill treated the defacto complainant and cheated by plucking 25 sovereigns of jewels and Rs.12,00,000/-. Further, the petitioner was in illegal intimacy with the other women. Thereby, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. He further submits that during pendency of the anticipatory bail petition, the issue was resolved between the defacto complainant and the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (CrI. Side) appearing for the respondent submits that petitioner harassed and ill treated the defacto complainant and he has an illegal intimacy with other women. He further submits that there is H.M.O.P.No.1331 of 2021 is pending before Sub Court, Madurai. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, that the issue was resolved between the defacto complainant and the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate (Additional Mahila) Vellore**, on condition that the petitioner shall execute a 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 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 Court concerned 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 as and when required for interrogation;

(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 anticipatory 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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

23.12.2022

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To
The Judicial Magistrate
(Additional Mahila)
Vellore.



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