



CrI.O.P.No.25378 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 alleged offence punishable under Sections 448, 336, 294(b), 427, 324 and 506(ii) IPC in Crime No.974 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that while his wife and daughter were sleeping in the terrace of his house, the accused had taken them video in his mobile phone. When the same was questioned by the defacto complainant, the accused had threatened him stating that the videos would be uploaded in the social media and thereafter, the accused had also hurled bottles on the house of the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are neighbours and due to previous enmity, a false complaint has been given as against the petitioner. He would submit that there was a quarrel between the parties and the defacto complainant's wife had also abused the petitioner that



resulted in a wordy quarrel. Other than that, nothing had happened in the scene of occurrence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner, who is the neighbour of the defacto complainant had video graphed the wife and daughter of the defacto complainant, while they were sleeping on the terrace. When the same was questioned by the defacto complainant, the petitioner hurled bottles on the house of the defacto complainant. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

6. On a perusal of the F.I.R, it reveals that there used to be a frequent quarrel between the parties. Taking into consideration the facts and circumstances of the case and the submissions, 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 Judicial Magistrate No.II, Alandur, Tambaram City 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 stay at Sivaganga and report before the Sivaganga Town Police Station daily at 10.30 a.m and 5.30 p.m for a period of four weeks and thereafter, the petitioner shall report before the respondent police 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.

[d] the petitioner shall not abscond either during investigation or trial.



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[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.

28.10.2022

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