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Crl.O.P.No.26054 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), 448, 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002, in Crime No.17 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Abilasha is that she got married with her cousin one Sunil Kumar on 04.09.2022. The further allegation is that prior to her marriage while she was in her parents house, the petitioner/A1 had compelled her to love him and have relationship with him. While so on 09.09.2022 at about 7.00 hours, when the de facto complainant was alone in her parents house, the petitioner/A1 along with his mother and maternal aunty had come to the house and compelled her to come and join with the petitioner/A1 and they abused her with filthy language and threatened



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her with dire consequences. On the same day i.e., on 09.09.2022 at about 10.30 p.m., the petitioner/accused had sent abusive messages about the de facto complainant to her husband's cell phone, with an intention to spoil their married life. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner/A1 was having love affair with the de facto complainant. When the parents of the de facto complainant came to know about their love affair, they had arranged marriage between her and her uncle's son in a hurried manner. Without understanding the consequences, the petitioner had attempted to meet the de facto complainant after the marriage and question her and thereby, the present complaint has been given. He would further submit that the petitioner is ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed by this Court. He would also submit that the petitioner has filed an Affidavit of Undertaking before this Court stating that he



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will not interfere with the life of the de facto complainant further.

Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner/A1 is a neighbour of the de facto complainant. He would further submit that the de facto complainant had married her uncle's son, the petitioner/A1 after the marriage of the de facto complainant continued to harass her by calling her cell phone and sending abusive messages to her husband's cell phone, with an intention to spoil their married life. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions of either side, and also considering the Affidavit of



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Undertaking filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 District Munsif-cum-Judicial Magistrate, Denkanikottai**, 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 everyday at 10.30 a.m., for a period of three weeks and thereafter 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.

[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.

8. The Affidavit of Undertaking filed by the petitioner dated 14.11.2022 shall form part of the Court records.

16.11.2022

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