



Crl.O.P.No.26214 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 323 and 379 of IPC r/w Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002, in Crime No.126 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that on 16.10.2022 at about 9.00 p.m., the petitioner along with other accused teased the daughter-in-law of the de facto complainant and when it was questioned by the de facto complainant, they have assaulted the de facto complaint and his daughter-in-law. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person, due to previous enmity, a false case has been foisted against him. He would further submit that the first accused/A1 has been arrested and enlarged on bail by the lower Court. He would further submit that there is no previous case pending as against



Crl.O.P.No.26214 of 2022

WEB COPY

the petitioner and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused abused and misbehaved with de facto complainant's daughter-in-law, when it was questioned by the de facto complainant, the petitioner had assaulted and intimated the de facto complainant and his daughter-in-law. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, 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



CrI.O.P.No.26214 of 2022

WEB COPY

from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Ponneri**, 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 conditions 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., and 5.30 p.m., for the period of four 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.



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Crl.O.P.No.26214 of 2022

A.D.JAGADISH CHANDIRA, J.

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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.

28.10.2022

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Crl.O.P.No.26214 of 2022