



Crl.O.P.No.26234 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 417 and 506(ii) IPC read with Section 4 of Women Harassment Act in Crime No.20 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that A1 befriended her five years ago and thereafter, their friendship developed into love and they had been going to cinema theatres and beach for the past five years. While so, when the defacto complainant had insisted A1 to get married, he had abused and assaulted her and also broken the cell phone belonging to her. Thereby, the case.

3. The learned counsel for the petitioners would submit that even as per the defacto complainant there was a friendship between the fourth petitioner and the defacto complainant for the past five years. Other than that, there is no averment of any physical relationship between them. Later, due to some misunderstanding, the petitioner avoided the defacto complainant and she has given a complaint as if the petitioner had



promised to marry her. He would reiterate that even as per the complaint, there is no allegation against the petitioner of having physically abused the defacto complainant. He would further submit that the petitioners 1 to 3 are the relatives of A1 and there is no specific allegation against them. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the fourth petitioner is the only accused in this case. He has befriended the defacto complainant and they were in affair for four years. Later, the fourth petitioner had refused to marry her. However, as per the complaint, there is no allegation of any sexual relationship between them. He would also submit that the petitioners 1 to 3 are not accused in this case.

5. In view of the above submission that the petitioners 1 to 3 are not accused in this case, this petition stands closed in respect of petitioners 1 to 3. Taking into consideration the fact that there is no allegation of any sexual relationship between the fourth petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the fourth petitioner with certain conditions.



6. Accordingly, the fourth 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 X Metropolitan Magistrate, Egmore, Chennai on condition that the fourth 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 fourth 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 fourth petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

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

[d] the fourth 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 fourth petitioner in accordance with law as if the conditions have been imposed and the fourth 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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