



Crl.OP.No.26509 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 147, 294(b), 323, 324 & 506(ii) IPC r/w Section 4 of Women Harassment Act in Crime No.344 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she was in love with one Charles for the past two years and prior to six months there was misunderstanding between them and they have split. While so, the elder brother of the said Charles and one John had been abusing the defacto complainant. On 05.09.2022, the family members of the said John had gone to the house of the defacto complainant and assaulted her indiscriminately and also torn her clothes. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that this is the second application for anticipatory bail and the



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earlier bail application in Crl.O.P.No.22725 of 2022 was dismissed in respect of the petitioner on 20.09.2022, stating reason that the petitioner has got two previous cases and now, after verification, it is found that in that two cases, the petitioner has been acquitted and the injured has been discharged from the hospital. He would further submit that there is a case in counter registered against the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to dispute regarding love affair, the petitioner had gone to the house of the defacto complainant and assaulted and abused her with filthy language. A1 had cut the defacto complainant with knife, resulting in her sustaining injuries and she had been given 8 sutures. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.



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6. Taking into consideration the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 XXIII Metropolitan Magistrate, Saidapet, Chennai 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 daily 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 abscond, a fresh FIR can be registered under Section 229A IPC.

29.11.2022

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