



Crl.O.P.No.26296 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) and 506(i) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.616 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Mrs.Baby is that A1 along with his son and another person had come to her house and abused her with filthy language and had also intimidated her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the *de-facto* complainant is the ex-councillor and since she had demanded Mamool from A1, when he refused to give the same, there was a dispute arose between them and a false complaint was lodged against the petitioner. He would further submit that the A1 has been arrested and enlarged on bail. Hence, he seeks to grant anticipatory bail to the



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petitioner.

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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused persons had abused the *de-facto* complainant with filthy language and also intimidated her. Hence, he vehemently opposed to grant 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 from the date on which the order copy made ready, before the **XVth Metropolitan Magistrate Court, George Town, Chennai**, on condition



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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 as and when required for interrogation.

[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.

31.10.2022

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