



Crl.OP.No.26609 of 2022

A.D.JAGADISH CHANDIRA, J.

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.237 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Malarvizhi is that she is working as a Clerk in Naduvalur Panchayat. During September 2021, the accused has been abused her and on a complaint given by her, the accused has been arrested and remanded to judicial custody and after coming out on bail, the accused used to tease her often. It is further alleged that on 17.08.2022, while the defacto complainant was working near the Pattarai Bus Stop, the accused had come there and dashed against the defacto complainant and also pulled her Saree and abused her with filthy language and hit her on her chest. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and due to previous enmity, a false complaint has been given. He would further submit that though the petitioner has alleged



that she was assaulted by him, the medical reports of the defacto complainant says that there is absolutely no injury on her. Only based on an previous enmity, false complaint has been given. He would further submit that the petitioner is ready to abide by any stringent condition and prepared to furnish adequate sureties for his release on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner and the defacto complainant are relatives. During September 2021, the petitioner had earlier misbehaved with the defacto complainant and on the complaint made by her, the petitioner was arrested and released on bail and thereafter, the petitioner had continued to harass her and on 17.08.2022, the petitioner once again misbehaved with her and assaulted her. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard the submissions made by both counsel and perused the materials available on record including FIR.

6. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in



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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 Judicial Magistrate-II, Attur*** 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.

[b] the petitioner shall stay at Chengalpet and report before the Inspector of Police, Town Police Station, Chengalpet at 10.30 a.m., and 5.30p.m., for a period of four weeks and thereafter report before the respondent police on every day 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.



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

03.11.2022

Vv

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