



Crl.O.P.No.27140 of 2022

WEB COPY

Crl.O.P.No.27140 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) of the Indian Penal Code, 1860 and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002, in Crime No.372 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant is wife of the first petitioner/A1 and the first petitioner/A1 had developed illegal intimacy with another woman and when it was questioned by the de facto complainant, the petitioners have abused the de facto complainant with filthy language, intimidated and assaulted her. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence



CrI.O.P.No.27140 of 2022

WEB COPY

as alleged by the prosecution. He would further submit that the first petitioner/A1 is the husband of the de facto complainant and there was a matrimonial dispute between the parties and thereby a false complaint has been given. He would also submit that the second petitioner is a senior citizen aged about 68 years. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the first petitioner/A1 is the husband of the de facto complainant, the second and third petitioners/A2 & A4 are the in-laws of the de facto complainant. He would further submit that the first petitioner/A1 had developed illegal intimacy with another woman, when it was questioned by the de facto complainant, the petitioners had abused her in a highly filthy language, assaulted and intimidated her. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

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



Crl.O.P.No.27140 of 2022

WEB COPY

6. Taking into consideration the facts and circumstances of the case and the submissions of either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II at Thirupathur**, on condition that each of the petitioner shall execute a separate 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 petitioners 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



Crl.O.P.No.27140 of 2022

WEB COPY pass Book to ensure their identity.

[b] the first petitioner/A1 shall report before the respondent police everyday at 10.30 a.m., until further orders, the second and third petitioners/A2 & A4 shall report before the respondent police for a period of one week and thereafter as and when required for interrogation.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

11.11.2022

arb

Page 4 of 6



WEB COPY



Crl.O.P.No.27140 of 2022

A.D.JAGADISH CHANDIRA, J.

arb

Crl.O.P.No.27140 of 2022



WEB COPY



CrI.O.P.No.27140 of 2022

11.11.2022