



Crl.O.P.No.26948 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 448, 294(b), 323 and 506(ii) of IPC r/w Section 4 of TNPHW Act in Crime No.165 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Suguna is that she has saved an amount of Rs.15 lakhs for purchasing a property. At that time one Advocate namely Ruban had represented that a plot in Bethal Nagar was available for low price and the defacto complainant had given the said amount to the petitioner. Later it was found that A1 had similarly received money for purchasing of land from several persons and cheated them. On 09.05.2022, the defacto complainant had gone to the house of the petitioner asking for return of the money, at that time, the Advocate/petitioner herein and his 2<sup>nd</sup> wife had abused the defacto complainant in filthy language, assaulted and humiliated her, due to which, she consumed rim acid and was admitted in



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the hospital. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner and the defact complainant are known to each other and there was a financial dispute between them and in order to recover the money, a false complaint has been given to put pressure on the petitioner.

4.The petitioner Ruban who is an Advocate is present before this Court and he admitted that he had borrowed money from the defacto complainant and the defacto complainant is a money lender and she had insisted the petitioner to return the money and that due to Covid-19, he was unable to repay the amount. Due to which, there was a dispute between them and that the victim had come to the house of the petitioner and abused him and his wife in filthy language and humiliated them, during such time, there was a quarrel and in the scuffle he had pushed the defacto complainant and other than that nothing has happened. He would further submit that the incident had happened during Covid-19 period. Now in order to fix the petitioner an exaggerated complaint has been



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given. Further, he expressed his remorse for acting such a manner with a lady. Hence, he prays for grant of anticipatory bail.

5.The learned Additional Public prosecutor would submit that the petitioner who is an Advocate had abused the defacto complainant in filthy language and assaulted her and she being humiliated by the act of the petitioner, had consumed rim acid and she was admitted in the hospital. Thereby, he opposed for grant of anticipatory bail to the petitioner.

6.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

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

8.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



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from the date on which the order copy made ready, before the learned Metropolitan Magistrate No.XVIII, Saidapet, 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either



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

**24.11.2022**

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24.11.2022