



Crl.OP.No.27431 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 323, 506(2) IPC under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.432 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Bhuvaneshwari is that he has got one daughter and son and that in respect of the complaint given by her against the petitioner for troubling her daughter, a case was registered by Salem Ammapet Police Station and the accused was sent to jail. Due to which, there was enmity between the petitioner and the defacto complainant. While so, on 26.07.2022, when the defacto complainant was on her way to the house, the accused abused her in filthy language and assaulted with knife on her head. Due to which, she sustained injuries and she was admitted in the hospital. Hence, the case.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given by his mother-in-law. He would submit that the defacto complainant belongs to OBC community and the petitioner belongs to a different community. The petitioner has married the daughter of the defacto complainant against the wishes of the defacto complainant and thereby, antagonized with the same, she had earlier given a complaint. Thereafter, the petitioner had married the daughter of the defacto complainant and due to caste equations, the defacto complainant got antagonized and she had given a false complaint against the petitioner. He would further submit that the previous complaints were also given by the defacto complainant through her relatives and friends. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a habitual offender, against whom there are several cases pending before the Salem Police Station. He had earlier taken away the daughter of the defacto complainant and subsequently, due to that enmity, he has assaulted the



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defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and the submissions and also perusing the earlier F.I.R registered against the petitioner, 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 Additional Mahila Fast Track Judicial Magistrate, Salem 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



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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., 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.

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