



Crl.O.P.No.27505 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 147, 148, 294(b), 323, 324, 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.295 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Subaganthi is that the marriage between her and the petitioner was solemnized on 24.02.2021 and that they are living separately due to matrimonial dispute. The further allegation is that on 11.10.2022, the de facto complainant and her relatives have come for settlement talks to the petitioner's house and during the quarrel, the petitioner along with his relatives abused the de facto complainant and her family members with filthy language, threatened them with dire consequences and assaulted them with wooden logs, hands and legs and caused severe injuries to them. Hence the case.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that a false and exaggerated complaint has been given due to matrimonial dispute. He would also submit that the other arrested accused have been enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner and the de facto complainant were living separately due to matrimonial dispute. On 11.10.2022, the de facto complainant along with her relatives had gone to the petitioner's house for settlement talks and during the quarrel, the petitioner along with his relatives have abused the de facto complainant and her family with filthy language and assaulted them with wooden log, hands and legs, resulting in them sustaining injuries. He would further submit that the injured persons have been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case, the submissions of either side, 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 **learned District Munsif-cum-Judicial Magistrate, Valappady**, 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:



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[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 everyday at 10.30 a.m., for a period of two weeks and thereafter 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.

[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.

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