



Crl.O.P.No.27988 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, 506(ii) of the Indian Penal Code, 1860 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.195 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Ravi is that the first accused Velu (A1) along with three other unknown persons were trespassed into the house of the de facto complainant and had compelled his wife asking for his daughter to hand over a visiting card and when the de facto complainant and his wife had prevented them, the petitioners/accused abused them with filthy language, assaulted and kicked them, and also threatened with dire consequences. Hence the complaint.

3. The learned counsel for the petitioner would submit that the



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petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely roped into this case. He would further submit that since 2018, there was a love affair with the first accused/A1 and the de facto complainant's daughter. At the same time, due to misunderstanding, the de facto complainant's daughter left her matrimonial house and was living with her parents house and continuing her illicit relationship with the first accused/A1. He would further submit that a false case has been foisted against the petitioner/A2 as the petitioner/A2 is friend of the first accused/A1 and the entire allegations are made only to harass the first accused/A1. He would also submit that the petitioner/A2 is ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed by this Court. 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 the first accused Velu (A1) along with three other unknown persons were trespassed into the house of the de



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facto complainant and had compelled his wife asking for his daughter to hand over a visiting card and when the de facto complainant and his wife had prevented them, the petitioners/accused abused them with filthy language, assaulted and kicked them, and also threatened with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration of the facts and circumstances 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.

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**



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Judicial Magistrate-II, Krishnagiri, 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 everyday 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



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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.

16.11.2022

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