



Crl.O.P.No.28260 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 323, 294(b) and 506(ii) of IPC in Crime No.10 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner and the defacto complainant are husband and wife, due to matrimonial dispute, they were living separately. In this connection, the petitioner has filed a Divorce petition before the competent Court and the defacto complainant also filed a maintenance petition. While so, on 28.07.2021, the petitioner had gone to the defacto complainant's house and abused her, assaulted her and also criminally intimidated her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was already granted anticipatory bail by this Court in Crl.O.P.No.16519 of 2021 dated 09.09.2021. However, due to financial problems, he was unable to execute the sureties and thereby order got lapsed. Hence, he seeks for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would submit that, the petitioner was already granted anticipatory bail by this Court in Crl.O.P.No.16519 of 2021 dated 09.09.2021 and he has not complied with the conditions imposed by this Court. While being so, the respondent has completed the investigation. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail with certain conditions.

6. Accordingly, petitioner shall pay a sum of Rs.1,000/- (Rupees Thousand only) as cost to the **District Legal Services Authority, Chennai** and on such payment, 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 Metropolitan Magistrate Additional Mahila Court, Egmore, Chennai** 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



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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 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 pass Book to ensure their identity.

[b] the petitioner shall pay a sum of Rs.1,000/- (Rupees Thousand only) as cost to the **District Legal Services Authority, Chennai** and the acknowledgment for the same shall be produced before the learned Magistrate concerned at the time of execution of bond.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

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[f] On breach of any of the aforesaid conditions, the learned



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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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

17.11.2022

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