



Crl.OP.No.28374 of 2022

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A.D.JAGADISH CHANDIRA, J.

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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(2) of IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 6 of POCSO Act in Crime No.438 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Shanthi is that her minor daughter was studying 1st year at Tamilnadu DMLT Nursing Course and that on 23.09.2022 while she was returning back from her college, the accused had stalked her and followed her in a motorcycle and teased her and also pulled her hands. The further allegation is that the defacto complainant's daughter had informed the same to her mother, the defacto complainant along with her family members had gone to the house of the accused and questioned him, at that time, the accused along with his relatives abused the defacto complainant and her family members and intimidated them by showing aruval. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would submit that on 23.09.2022, when the petitioner was returning back home around 5.30 p.m., the defacto complainant and her husband and her relatives due to previous enmity had abused the petitioner and assaulted him, resulting him in sustaining injuries and also threatened him with dire consequences. On the complaint given by petitioner, the case in Cr.No.437 of 2012 came to be registered by the respondent police, only as a counter blast, a false complaint has given. He would further submit that the petitioner is aged about 25 years and hence, he would seek for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner who is A1 had stalked the minor daughter of the defacto complainant and teased her. When it was questioned by the defacto complainant and her family members, the petitioner and his family members have threatened the family members of the defacto complainant. However, he would submit that based on the complaint given by the petitioner, case in Cr.No.437 of 2022 has been registered against the defacto complainant and her family members. Hence, he would vehemently oppose to grant



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anticipatory bail to the petitioner.

5. Heard the submissions made by the learned counsel and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail 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 Sessions Judge, Special Court for Exclusive Trial cases under POCSO Act, Villupuram* 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



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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.

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[b] the petitioner shall report before the respondent police on every day 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 absconds, a fresh FIR can be registered under Section 229A IPC.

18.11.2022

Vv

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