



Crl.OP.No.28990 of 2022

Crl.O.P.No.28990 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 323, 324, 506(2) IPC r/w Section 4 of Women Harassment Act in Crime No.530 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.09.2022, due to previous enmity, the petitioner along with other accused had entered into the house of the defacto complainant and misbehaved with his wife and abused them in filthy language and also assaulted his wife one Sinthamani. Due to which, she sustained injuries and admitted in the hospital. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. Due to previous enmity, a false complaint has been given against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.OP.No.28990 of 2022

WEB COPY

4.The learned learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity, the petitioner along with other accused had entered into the house of the defacto complainant and misbehaved with his wife and abused them in filthy language and also assaulted his wife one Sinthamani. Due to which, she sustained injuries and admitted in the hospital. He would further submit that the injured has been discharged from the hospital. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

6. 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, Vaazhapadi, Salem District 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



Crl.OP.No.28990 of 2022

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 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]**.

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.OP.No.28990 of 2022

Anu

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

25.11.2022

Anu

Crl.O.P.No.28990 of 2022