



Crl.O.P.No.30524 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 323 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.533 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that there was a love affair between the petitioner and the de-facto complainant during her school days and due to the family circumstances, she got married to one Sudharsan. After a period of 8 years, the de-facto complainant got a chance to meet the petitioner and there was a mutual friendship between them and taking advantage of the same, the petitioner often called the de-facto complainant to his house and when it was refused by her, he threatened her that he will show the photographs taken by them to her family members. Later due to the intervention of the family members, there was no contact between them, but on 15.11.2022, the petitioner trespassed into the house of the de-facto complainant and



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abused her in a filthy language, assaulted her mother-in-law and harassed her and also threatened her with dire consequences. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner, who is the relative of the de-facto complainant, is an innocent person working as an Assistant Professor in VIT University. He would further submit that the petitioner have lend a sum of Rs.25,000/- to the de-facto complainant and when the petitioner asked to return the same, there arouse a quarrel between them, due to which a false complaint has been given as against the petitioner. He would also submit that the case of money dispute has been projected as a case of women harassment. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner who is the relative of the de-facto complainant, having known that the de-facto complainant was married to another person, trespassed into the house of the de-facto complainant and abused her in a filthy language and assaulted her mother-in-law and harassed her and also threatened her with dire



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consequences, since she did not marry him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.side) for the respondent and perused the entire materials available on record.

6.Taking into consideration 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 Judicial Magistrate No.II, Alandur** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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



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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] At the time of furnishing the sureties, the petitioner shall also file an affidavit of undertaking stating that he will not communicate with the defacto complainant in future.

[c] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of three months.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned



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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]*; and;

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

14.12.2022

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