



Crl.O.P.No.32437 of 2022

CRL.O.P.No.32437 of 2022

WEB COPY **A.A.NAKKIRAN, J.**

The petitioner, who apprehend arrest for the alleged offence under Sections 323, 406 and 506(1) of IPC and Section 4 of T.N.W.P.H Act, 2002 in Crime No.7 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the due to family dispute between the defacto complainant and her husband, she is living separately with her child for the past 9 months. On 02.10.2022, the defacto complainant given a complaint against her husband. Hence the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



WEB COPY

4. The learned Government Advocate (Crl.side) submitted that there are totally three accused. A1 arrested and released on bail. A2 still absconding. Injured discharged from hospital and co-accused released on bail. 5 witnesses have been recorded. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 of receipt of a copy of this order, before the *learned II Metropolitan Magistrate, Chennai* on condition that the petitioners shall execute a separate 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 and on further condition that:



WEB COPY



Crl.O.P.No.32437 of 2022

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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. for a period of four weeks and thereafter, as and when required for interrogation;

(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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

28.12.2022

rna

3/4



WEB COPY



Crl.O.P.No.32437 of 2022

A.A.NAKKIRAN J.

rna

CRL.O.P.No.32437 of 2022

28.12.2022