

CrI.O.P.No.647 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 498 A, 323 IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act in Cr.No.39 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant got married on 10.06.2022. After the wedlock, the petitioner is alleged to have harassed and tortured the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that he is an innocent person and he has been falsely implicated in this case. He would further submit that there was a matrimonial dispute between the petitioner and the defacto complainant, due to which, a false complaint has been given against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and the defacto complainant got married on 10.06.2022. After the wedlock, the petitioner is alleged to have harassed and tortured the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and that there was a matrimonial dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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 **Magistrate, Additional Mahila Court, Egmore, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each, of which one should be a blood related surety 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:



(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 every Saturday at 10.30 a.m. for a period of three months and thereafter, appear before the trial Court on all hearing dates.

(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 anticipatory 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.

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