



Crl.O.P.No.1304 of 2023

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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 294(b), 323 & 506(ii) of IPC, in Crime No.643 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to the matrimonial dispute, he and his wife were living separately. While being so, when the de-facto complainant questioned the accused with regard to the illicit relationship of the accused with the wife of the de-facto complainant, the accused abused him in a filthy language and assaulted him with stone, causing injuries. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that wife of the petitioner and the wife of the de-facto complainant are friends and since due to the de-facto complainant's harassment,



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his wife was living separately. He further submitted that even then the de-facto complainant gave trouble to her and when it was questioned by the petitioner, the de-facto complainant assaulted him, due to which the petitioner sustained injuries and was admitted as inpatient in Stanley Hospital, whereas, the de-facto complainant in order to escape from the petitioner's complaint lodged a false complaint against the petitioner. He also stated that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court . Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the de-facto complainant and his wife was living separately. He further submitted that when the de-facto complainant questioned the petitioner for his illicit affair with the wife of the de-facto complainant, the petitioner abused and assaulted him. He also stated that it is a case and a case in counter. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy made ready, before the **learned XV Metropolitan Magistrate, George Town, 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 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 stands dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond



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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 on every Saturday at 10.30 a.m. for a period of six 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]**;



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

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