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Crl.O.P.No.5379 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.88 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that while she was taking bath, the petitioner/accused had taken video in his mobile phone. After watching him, she raised alarm and called her mother and when they questioned about the same, the petitioner/accused had threatened them with dire consequences. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the neighbour of the de facto complainant and due to the dispute with regard to pathway pending between the petitioner and the de facto



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complainant's family, a false complaint has been given against the petitioner. He would further submit that earlier, the petitioner had approached this Court, while the case was in enquiry stage, the petitioner had not stated about the crime number and also the relevant provision but taking into consideration the facts and circumstances of the case, without crime number, this Court had granted anticipatory bail to the petitioner in Crl.O.P.No.4415 of 2023 on 02.03.2023. Now, the petitioner had filed a fresh petition with correct provisions and crime number and thereby, the petitioner would seek for grant of anticipatory bail. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is neighbour of the de facto complainant. Due to pathway dispute between the petitioner and the de facto complainant's family, the petitioner/accused had taken video of the de facto complainant in his mobile phone, while she was taking



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bath in her house. After watching him, she raised alarm and called her mother and when they questioned about the same, the petitioner/accused had threatened them with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the entire materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by Counsel on either side, 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 Additional Mahila Court, Thiruvallur**, on condition that **the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five**



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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 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday 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



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down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

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