



Crl.O.P.No.5857 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 alleged offences punishable under Sections 294(b) & 506(i) of IPC and Section 67 of IT Act 2000, in Crime No.112 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant, namely Venugopal, is that his daughter Ashwitha was married to the petitioner herein and they have one male child. While so, due to misunderstanding, they are living separately and the same was questioned by the defacto complainant, the petitioner had abused him and also threatened over cell phone. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and due to matrimonial dispute, a false complaint has been foisted against him. He further submitted that he is ready to abide by any stringent condition that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.side) submitted that the petitioner is the son-in-law of the defacto complainant and matrimonial dispute is pending between the petitioner and the daughter of the defacto complainant. While so, the petitioner abused the defacto complainant and his family members with filthy language through cell phone. However, he vehemently opposed to grant of anticipatory bail to the petitioner.

5.In reply, the learned counsel for the petitioner submitted that the petitioner is also ready to file an affidavit of undertaking that he will not interfere with the life of the daughter of the defacto complainant.

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

7.Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;



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8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate, Tambaram**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.**

[c] **the petitioner shall also file an affidavit of undertaking before the learned Magistrate that he will not interfere with the life of the daughter of the defaco complainant.**

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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 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]***.

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

9. With the above directions, this Criminal Original Petition is ordered.

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16.03.2023

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