



Crl.O.P.No.6113 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 offences punishable under Sections 448 and 506(i) of IPC read with under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.60 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that she is single mother living alone with her son for the past six years. On 12.02.2023, the petitioner/accused, who is friend of the de facto complainant, had trespassed into her house and misbehaved with her knowing the fact that she is staying alone with her son. The de facto complainant shouted on the petitioner and sent out of her house. Thereafter, the de facto complainant had informed the incident to her brother-in-law. When it was questioned by him, the petitioner/accused had entered into a wordy quarrel with the de facto complainant and her brother-in-law and also threatened them. Hence the case.



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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 on account of previous enmity, a false case complaint has been given against the petitioner. 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 on 12.02.2023, the accused had trespassed into the house of the de facto complainant and misbehaved with her and when it was questioned by her brother-in-law, the petitioner/accused had entered into a wordy quarrel with the de facto complainant and her brother-in-law and also threatened them. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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



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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 at Magistrate Level, Villupuram**, 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.



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[b] the petitioner shall stay at Chennai and report before the Inspector of Police, North Beach Police Station, Chennai, every day at 10.30 a.m., and 5.30 p.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 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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