



Crl.O.P.No.6329 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, 294(b) and 506(ii) of IPC r/w. section 4 of Tamilnadu Prohibition of Women Harassment Act, 2002, in Crime No.94 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Deepa is that her husband is working as a master in a hotel at Bangalore and she is living alone with her children. While so, the petitioner had entered into the defacto complainant's house at 1.30 a.m., on 05.02.2023 and misbehaved with her and compelled her to share the bed with her and when she refused to do so, he threatened her and ran away from the scene of occurrence. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He would further submit that there is no previous case pending



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against the petitioner, and he is ready to abide by any stringent conditions that may imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) for the respondent would submit that the petitioner entered into the house of the defacto complainant during odd hours and attempted to misbehave with her and when she raised an alarm, the petitioner, intimidating her, ran away from the scene of occurrence. Hence, he opposed for grant of anticipatory bail to the petitioner/accused.

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

6. Considering the above facts and circumstances of the case and the submissions made by either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 **learned Judicial Magistrate-II, Ulundurpet**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with two sureties, one among the surety shall be either father or mother of the petitioner, 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall stay at Chennai and report before the Inspector of Police, Ennore Police Station, every day at 10.30 a.m., and 05.30 p.m., until further orders.**



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

21.03.2023

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