



Crl.O.P.No.7635 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), 323, 447, 506(ii) of IPC read with Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.91 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sudhalakshmi is that, her husband is a differently abled person and she is running a gas agency. On 02.09.2022, the accused had sexually abused her in front of the public and thereby on the complaint given by her, a case in Crime No.21 of 2022 was registered under Sections 294(b), 341, 354(A), 354(D), 506(ii) IPC and Section 4 of TNPWH Act and the accused was arrested and he has come out on bail. While so, on 29.12.2022, when the defacto complainant was in a house, the accused in an inebriated condition trespassed into her house and compelled her to withdraw the complaint and also abused her and also dragged by pulling her hair and also assaulted her. Hence, the case.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given due to political reasons. He further submit that the defacto complainant had earlier given the false complaint against the petitioner on 02.09.2022, for which, the petitioner was arrested and released on bail. He further submit that the petitioner also filed an application to quash the charge sheet in Crl.OP.No.29996 of 2022 and the same is pending. He further submit that the case has been registered based on the direction from the learned Magistrate under Section 156(3) of Cr.P.C. While so, a false complaint has been given as if the petitioner had threatened her. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is a political person. Earlier on 02.09.2022, the petitioner had sexually abused the victim in front of the public and on the complaint given by the defacto complainant in Crime No.21 of 2022 has been registered and he had been released on bail. Subsequently, the petitioner has once again



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threatened her and also abused her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on both sides, 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 Perambalur**, 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:



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[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 stay at Chennai and report before the B1 North Beach Police Station, everyday 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 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.

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