



CrI.OP.No.8575 of 2023

S.SOUNTHAR, J

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294B of IPC and Section 4 of TN Prohibition of Harassment Act, 2022 in Crime No.58 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant entered into the auto who is neighbour of her parents home. When she travelled in an auto, the auto driver parked his auto and misbehaved with her, some unknown person rescued her. Thereafter, the defacto complainant told the said incident to the petitioner's wife/accused wife, due to which, she has scolded the defacto complainant with filthy language. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any such offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that when the defacto complainant travelled in an auto, the auto driver parked his auto and misbehaved with her, some unknown person rescued her. Thereafter, the defacto complainant told the said incident to the petitioner's wife/accused wife, due to which, she has scolded the defacto complainant with filthy language. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Having regard to the allegations made against the petitioner in the FIR and also considering the facts and circumstances of the case and the the submissions made by both counsel, this Court is inclined to grant anticipatory bail 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 ***learned District Munsif-Cum-Judicial Magistrate, Gummidipoondi*** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty**



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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 stay at Vellore and report before the Town Police Station, Vellore every day 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



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

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

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