



Crl.O.P.No.8006 of 2023

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S.SOUNTHAR, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 355 and 506(i) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.120 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely Santhi is that the marriage between the defacto complainant and the petitioner took place 10 years back and due to difference of opinion, they both were living separately. While so, on 09.03.2023, the petitioner went to the mother's house of the defacto complainant and beaten the defacto complainant and criminally intimidated her. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would submit that the petitioner has been living separately for the past 5 years due to



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misunderstanding with the defacto complainant. The defacto complainant had filed a divorce petition in HMOP No.57 of 2019 before the Subordinate Court, Tiruvarur and in the said petition, the defacto complainant also filed a petition for maintenance to pay a sum of Rs.10,000/- and the same was also ordered. Subsequently, the defacto complainant filed an execution petition in E.P.No.26 of 2020 for obtaining the interim maintenance amount of Rs.50,519/- in which, the Court had issued a direction to the Tahsildar, Tiruvarur, to deduct a sum of Rs.2,105/- from the salary of the petitioner and accordingly, a sum of Rs.2,105/- has been deducted from the salary of the petitioner every month. He further submitted that the petitioner is ready to deposit a sum of Rs.50,000/- to the credit of E.P.No.26 of 2020 on the file of the Subordinate Court, Tiruvarur and he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent vehemently opposed for grant of anticipatory bail to the petitioner stating the petitioner is a Village Administrative Officer and he is living separately due to misunderstanding between him and his wife/defacto complainant. While so, on 09.02.2023, he went to his mother-in-law's house



where the defacto complainant was staying and beaten her and also criminally intimidated her. He further submitted that the injured has been discharged from the hospital.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent and also perused the materials available on record.

6. Having regard to the nature of allegations made against the petitioner and also the fact that the petitioner is willing to deposit a sum of Rs.50,000/- to the credit of E.P.No.26 of 2020 filed by the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of E.P.No.26 of 2020 on the file of the Subordinate Court, Tiruvarur, and on such deposit and production of proof, 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



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the date on which the order copy made ready, before the **learned Judicial Magistrate, Tiruvarur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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.



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[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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