



Crl.O.P.No.9077 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 354, 354 (D) of IPC, in Crime No. 582 of 2021, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Asoka Devi is that, she and the accused were working in Apollo Hospital Pharmacy Limited. It is further alleged that the company manager Venugopal who was working in the office was against her in the company and he had instigated the other male staff in the office and all of them abused her and misbehaved with her. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given. He would further submit that the defacto complainant was working in Apollo Hospital Pharmacy as a supervisor for the past 17 years and earlier by taking advantage of her long services, she had been irregular in her attendance and duty and thereby, the second petitioner, who is the manager had given a memo to her and disciplinary action was initiated



taken against her and in order to take vengeance, the defacto complainant had given the false complaint as if the petitioner had misbehaved with her and abused her. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners are colleagues of the defacto complainant and they were working in Apollo Hospital Pharmacy Limited and that the petitioner did not like the defacto complainant working in the company and in order to threaten her, he misbehaved with her and also sexually abused her. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate Court-V, Coimbatore**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten 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 petitioners 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 petitioners shall stay at Cuddalore and report before the Cuddalore Old Town Police Station, everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

05.06.2023

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