

Crl.O.P.No.11491 of 2023

V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 323 341 and 506 (ii) of IPC r/w., Section 4 of the Women Harassment Act in Cr.No.879 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely Mariyammal is that due to previous enmity, on 14.10.2022, the petitioner along with other accused, abused the defacto complainant with filthy language and also attacked her son. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case for the offences under Sections 294 (b), 323, 341 and 506 (ii) of IPC r/w Section 4 of the Women Harassment Act in Crime No.879 of 2022. Hence, the learned counsel for the petitioner prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that the victim has been discharged from the hospital and there is no previous case pending against the petitioner/second accused. He would further submit that on the last occasion while moving Crl.O.P.No.7622 of 2023 it had wrongly stated that the offence under Section 302 IPC was pending against the petitioner/second accused.

5. Considering the above said fact, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Ponneri**, on condition that the petitioner shall execute a 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 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 Court concerned 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 four (4) 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;

(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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.05.2023*dk/kan*



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To

1. The Judicial Magistrate No.I,
Ponneri.

2. The Public Prosecutor
High Court of Madras,
Chennai – 600 104.

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