



Crl.O.P.No.10912 of 2023

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K.KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 506(ii) read with Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, in Crime No.328 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and his wife Nirmala are living apart and divorce proceedings have been initiated. While that being so, the petitioner was falsely implicated in a criminal case which was registered on the basis of a compliant given by one Suryakala at the instigation of petitioner's wife, Nirmala. In the present complaint the petitioner is arrayed as A2. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) would submit that FIR has been registered and A1 is arrested and still in custody. The petition is arrayed as A2. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court Cum Munsif, Uthukottai 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, 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 report before the respondent 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]**.

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



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