



Crl.O.P.No.11514 of 2023

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V.LAKSHMINARAYANAN. J.,

The petitioner, who apprehends arrest for the alleged offences under Sections 341, 506 (1) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 of IPC in Cr.No.57 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant obtained a hand loan of Rs.10,000/- from the petitioner; even after repayment of the said amount with interest, the petitioner has failed to return the blank cheque issued as a security by the defacto complainant and demanding a sum of Rs.2.5 Lakhs additionally. As the petitioner caused mental harassment to the defacto complainant, she administered poison and attempted to commit suicide. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the defacto complainant actually obtained Rs.4 Lakhs as hand loan from the petitioner and not repaid the same as promised. Her cheque dated



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03.04.2023 which was present by the petitioner was dishonoured and aggrieved by the same, he has sent a legal notice on 24.04.2023. The petitioner never met the defacto complainant in person and it is an imaginary version of the defacto complainant to evade repayment of the hand loan. The petitioner is innocent, law abiding citizen and has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner is ready to furnish substantial sureties and any conditions to be imposed by this Court for grant of anticipatory bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submits that there was money transactions between the parties to the prosecution and the petitioner caused mental harassment to the defacto complainant having taken obscene photographs. Hence, he opposed for granting anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. The petitioner is also directed not to upload any obscene photographs or in any way be attached with the defacto complainant or tamper with any evidence.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her/their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***District Munsif cum Judicial Magistrate, Madathukulam*** 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:

(a) if the petitioner fails to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this order shall



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stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



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

24.05.2023

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