



CrI.O.P.No.11584 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 323 & 324 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.76 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the husband of de-facto complainant, both got married 10 years ago. On 27.04.2023, the petitioner beaten the de-facto complainant and pushed her out, locked the house, took the key and left the house. The next day, the petitioner started beating the de-facto complainant. The mother and brother of the de-facto complainant rushed to petitioner's house and tried to stop the petitioner. The petitioner bitten the de-facto complainant's mother and brother and



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hit the de-facto complainant with wooden stick. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is Southern Railway employee and the de-facto complainant started to suspect the character of the petitioner. On 12.01.2023, the de-facto complainant went to her parents house. The petitioner filed restitution of conjugal rights petition before the II Additional Family Court, Chennai, in H.M.O.P.No.1157 of 2023 and it was posted for appearance of de-facto complainant on 17.05.2023. Based on false complaint, the respondent registered a case against the petitioner. The petitioner is no way connected with this case. The petitioner is ready to abide by any condition that may be imposed by this Court.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to



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the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the fact that H.M.O.P. is pending between the petitioner and de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy made ready, before the **learned V Metropolitan Magistrate Court, Egmore**, 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



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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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police 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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