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Crl.OP.No.14094 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498A, 294(b), 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.48 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she got married to the accused on 25.08.2019 and they have one child. Further allegation is that her husband had developed illegal intimacy with another woman and harassed her by demanding more dowry from her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case and thereby he would seek for anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the defacto complainant's husband had developed illegal intimacy with another woman and harassed her by demanding more dowry from her. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

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5. Heard both sides and perused the materials available on records including the FIR.

6. Taking in to consideration the facts and the circumstances of the case and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 Judicial Magistrate-II, Hosur*** 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 :

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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[b] **the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter on every Sunday at 10.30a.m, until further orders;**

[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] 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, 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 petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Vv **23.06.2023**

A.D.JAGADISH CHANDIRA, J.

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