



Crl.O.P.No.14948 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 324, 366, 376 & 511 IPC r/w Section 4 of Women Harassment Act, in Crime No.135 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that petitioner is an innocent and he has been falsely implicated in this case. Thus, he prays for anticipatory bail for petitioner.

3. In response, the learned Government Advocate (Crl.Side) submitted that on 16.06.2023, at about 12 hours, first accused had misbehaved with the defacto complainant. On the same date, at about 7 p.m., defacto complainant's mother went to the first accused's house to ask him about his misbehaviour with her daughter. At that time, petitioner/second accused had hit the defacto complainant's mother with iron rod on her head. As a result, she suffered injuries. Now, the injured had been discharged from the hospital.



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4.Considering the nature of the allegations and the fact that the injured had been discharged from hospital and the first accused was arrested and remanded to judicial custody, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner. Therefore, 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, Pappireddipatti**, 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 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 everyday at 10.30 a.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] 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.

18.07.2023

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