



Crl.O.P.No.18162 of 2023

Crl.O.P.No.18162 of 2023

WEB COPY

RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 448, 354(B), 294(b), 506(i) of IPC in Crime No.252 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant was living with her father-in-law and mother-in-law. Her husband is working in abroad. On 10.06.2022 at about 9.30PM leaving the front and back entrance open they went for sleep. At about 11.50PM accused entered into the house of the de-facto complainant and tried to grab her leg. At that time, the de-facto complainant shouted and her in-laws came there. The accused had threatened them not to disclose the same to anyone. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely complicated in



Crl.O.P.No.18162 of 2023

WEB COPY

this case. The entire allegation in the F.I.R was invented only for the purpose of the case and to arm twist the petitioner in the guise of sexual nature. He further submitted that it is seen from the F.I.R that the de-facto complainant left the front and back entrance open in the night and it is relevant that no prudent human will leave their house open at night. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that on 10.06.2023 at about 11.50PM the petitioner entered into the house of the de-facto complainant and tried to misbehave with her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



Crl.O.P.No.18162 of 2023

WEB COPY

6. After going through the contents of the F.I.R, I find that there is a civil dispute between the parties and the respondent-police, Perambur Police Station, Mayiladuthurai District has taken the complaint and registered the case and started chasing the accused without even enquiring the prima facie nature of the contents therein.

7. It appears from the contents that the respondent-police has not applied his mind as to the contents before registering the F.I.R and hence the Superintendent of Police, Perambur Police Station, Mayiladuthurai District is hereby directed to look into the matter and to hold an enquiry on coming into the existence of the said F.I.R and to take appropriate action against the erring police officials. Such an exercise has to be completed within a period of six weeks from the date of receipt of a copy of this order and the compliance report to be filed before this Court after expiry of the above said period.

8. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is



CrI.O.P.No.18162 of 2023

inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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 District Munsif Cum Judicial Magistrate, Tharangambadi, on condition that the petitioner shall execute his own bond for a sum of Rs.5,000/- (Rupees Five Thousand only) 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.

[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of three weeks;



WEB COPY



Crl.O.P.No.18162 of 2023

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

18.08.2023

nvi



WEB COPY



Crl.O.P.No.18162 of 2023

RMT.TEEKAA RAMAN, J.

nvi

Crl.O.P.No.18162 of 2023

18.08.2023