



Crl.O.P.No.20191 of 2023

Crl.O.P.No.20191 of 2023

RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 448, 294(b), 323, 342, 427 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No. 311 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the the defacto complainant, in order to secure job, had received a sum of Rs.15 lakhs from the petitioner and thereafter, he neither secure any job nor return the money. Hence, the petitioner trespassed into the house of the defacto complainant and abused him in filthy language and assaulted the defacto complainant and his wife. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and on the date of occurrence, the petitioner



CrI.O.P.No.20191 of 2023

was not there. He would further submit that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to financial dispute between the petitioner and the defacto complainant, the petitioner along with other accused have trespassed into the house of the defacto complainant and abused him in filthy language and assaulted him. He would further submit that based on the confession statement of the arrested accused, this petitioner was implicated in this case. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, I am inclined to grant anticipatory bail subject to the following conditions:



WEB COPY

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 **XVIII Metropolitan Magistrate Court, Saidapet, Chennai**, 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.

[b] **the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation.**



WEB COPY



CrI.O.P.No.20191 of 2023

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

05.09.2023

ata



WEB COPY



CrI.O.P.No.20191 of 2023

RMT.TEEKAA RAMAN, J.

ata

CrI.O.P.No.20191 of 2023

05.09.2023