



Crl.O.P.No.20505 of 2023

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Reserved On	07.09.2023
Pronounced On	15.09.2023

RMT.TEEKAA RAMAN, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences under **Sections 294(b), 323, 363 & 506(1) of IPC r/w 4 of Women Harassment Act in Crime No.69 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the A1 and the *de-facto* complainant/Mrs.Francy Salmona was solemnized on 25.08.2011. While the matrimonial proceedings are pending between them, it is alleged that the A1 and the petitioner/A2 had illegally taken his daughter/Jelicia Steny aged about 8 years from the tuition centre and also abused and threatened the tuition teacher. Hence, the complaint.

3. Mr.Parivallal, learned counsel appearing for the petitioner would state that petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of



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anticipatory bail to the petitioner.

4. The learned counsel for the petitioner drawn my attention to the earlier proceedings, wherein the *de-facto* complainant/wife gave a complaint as if, the A1 has kidnapped the boy and has filed HCP.No.933 of 2023. After notice, the Division Bench of this Court has observed that the parties are directed to take appropriate steps under the Guardians and Wards Act, 1890 before the Court and the boy was also produced before the Division Bench. Thereafter, the boy was allowed to continue in the care and custody of the A1/father and thereafter, the respondent police have filed a closure report in the Crime No.45 of 2023 on 11.05.2023 referring the complaint given by the *de-facto* complainant/wife as 'Mistake of Fact', wherein it is observed that the *de-facto* complainant has given a false complaint against the A1.

5. After closure of the Crime No.45 of 2023 on 06.07.2023, the closure report was filed before the concerned learned Judicial Magistrate. Thereafter, the mother/*de-facto* complainant has filed another Crime No.69 of 2023 alleging that the



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A1/father has taken away the daughter also and the petitioner herein/A2 is alleged to have accompanied the A1. The relevant documents were produced in the typed set.

6. Mr.N.Naresh, learned counsel appearing for the *de-facto* complainant would contend that after filing of the divorce petition, A1 along with A2 has taken such an extreme step and strongly opposed for grant of anticipatory bail to the petitioner.

7. Considering the facts and circumstances of the case and overt act against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, 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 No.II, Hosur, Krishnagiri District**, 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



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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 every Saturday 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



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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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RMT.TEEKAA RAMAN, J.

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