



Crl.O.P.No.23955 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427, 324, 506(ii) of IPC and Section.4 of the Prohibition of Harassment of Women Act, 2002 in Crime No.246 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had married the daughter of defacto-complainant on 29.04.2022. There was a misunderstanding between the spouses. The wife of the petitioner was returned to parental house again. The petitioner went back for compromise. There arose a wordy quarrel which escalated into violence. Hence, the complaint.

3. The learned counsel for the petitioner stated that this petitioner had already filed a H.M.O.P.No.76 of 2022 before the Sub Court, Sankagiri for restitution of conjugal rights. The same was pending as on date. The learned counsel for the petitioner further submits that the petitioner has been arrayed as Sole Accused in this case. He further stated



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that this petitioner is an innocent person and he has not committed any offence as alleged by the respondent. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate appearing for the respondent police submitted that there was a misunderstanding between the spouse, there was a wordy quarrel and escalated into violence. This petitioner had filed a H.M.O.P.No.76 of 2022 before the Sub-Court, Sankagiri and the same was pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration of the above facts, this Court is inclined to grant anticipatory bail to the petitioner herein with certain conditions.

7. Registry is directed to forward the copy of this order to Sub-Court, Sankagiri for reference of H.M.O.P.No.76 of 2022, the learned Sub-Judge, Sankagiri is directed to endeavour to get the opinion of both the parties relating to the aid of the original petition and it is found prudent, arrange for proper counselling of both the parties and respondent therein.



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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 No.II, Sankagiri, Salem 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 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 appear before the respondent police daily at 10.30 a.m., for the period of two weeks and thereafter as and when required.



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[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.

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