



Crl.O.P.No.25526 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner seeks anticipatory bail in Crime No.9 of 2023 registered by the Respondent Police for the offence under Sections 366, 376(1) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002.

2. The learned counsel for the Petitioner stated that the Petitioner is a widower aged 53 years and the defacto complainant is a widow aged 40 years who has three children. On 19.08.2023, it is stated that the Petitioner herein had entered into the house of the defacto complainant and had physical relationship with her. She had given a complaint only on 21.08.2023.

3. The learned counsel further states that it was consensual in nature.

4. The earlier anticipatory bail application had been dismissed on 03.10.2023 in Crl.O.P.No.20790 of 2023. It was stated that the medical examination will have to be conducted on the Petitioner.



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5. The learned counsel for the Petitioner however stated that the occurrence had taken place more than three months before the lodging of the complaint and the Petitioner is a widower and the defacto complainant is a widow and they are neighbours.

6. Taking into consideration the fact that the investigation so far as the defacto complainant is concerned, it has proceeded to a little extent, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

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 Judicial Magistrate No. I, Mettur**, 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



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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 daily 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



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registered under Section 229A IPC.

8. The Respondent is at liberty to file necessary application before the Judicial Magistrate No.1, Mettur for seeking permission to subject the Petitioner for medical examination which would enable them to conclude the investigation.

19.12.2023

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