



Crl.OP.No.25930 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 379 IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.232 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The defacto complainant is the wife of A1. The petitioner/A2 is the cousin brother of A1. It is stated that between A1 and the defacto complainant there were disputes relating to their marital life. It is also alleged that A1 had taken away Rs.2,00,000/- from the defacto complainant. The petitioner herein, who is not either directly or indirectly connected with that marriage, appears to have taken advantage of that dispute and gone over to the house of the defacto complainant and threatened her. It is stated that she has also raised other allegations against the petitioner herein.

3.Taking into consideration that A1 had been arrested and granted bail, this Court is inclined to grant anticipatory bail to the



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petitioner herein, subject to the condition that he shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of the crime **No.232 of 2023**, on the file of the respondent police, within a period of two weeks from the date of receipt of a copy of this order. On deposit of such amount, the **learned Judicial Magistrate No.II, Mettur, Salem District**, may hand it over to the defacto complainant. The other allegations raised by the defacto complainant will have to be proved and tested during the course of trial.

4.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, Mettur, 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:



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[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 deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the crime No.232 of 2023, on the file of the respondent police, within a period of two weeks from the date of receipt of a copy of this order.

[c] the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter as and when required.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

15.11.2023

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