



CRL.O.P.No.767 of 2023

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WEB C **T.V.THAMILSELVI,J.**

The petitioner, who apprehends arrest for the alleged offence under Sections 506 (ii) IPC and Section 4 of TN Prohibition of Harassment of Women Act in Cr.No.307 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner promised the defacto complainant that he would marry her and had sexual relationship and cheated her. Based on which, the defacto complainant lodged a complaint against the petitioner. Therefore, the petitioner along with other accused threatened the defacto complainant to withdraw the complaint. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that in the earlier case, the petitioner was granted anticipatory bail with a condition not to have any communication with the defacto complainant. Pursuant to the order of this Court, the petitioner is complying



CRL.O.P.No.767 of 2023

with the same. Hence prays for grant of anticipatory bail.

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4.The learned Government Advocate (Crl.Side) would submit that soon after receipt of the complaint lodged by the defacto complainant, she was threatened by the petitioner to withdraw the said complaint. He would submit that A2 and A3 have been arrested and remanded to judicial custody and that the petitioner/A1 is absconding. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Mr.A.L.Franc Paul, learned counsel appearing for the defacto complainant/Intervenor would submit that based on the complaint, the respondent conducted a preliminary enquiry and F.I.R was registered against the petitioner and that a Sessions case is pending before the Mahila Court at Coimbatore in S.C.No.47 of 2022. While so, the petitioner herein along with other accused threatened the defacto complainant to withdraw the said complaint. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



CRL.O.P.No.767 of 2023

6. Considering the facts and circumstances of the case and taking into account that the petitioner has been already granted anticipatory bail in the earlier case, 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.5, Coimbatore** 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 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 Court concerned 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 on alternative days at 10.30 a.m., for a period of three months and co-operate for the trial proceedings;



CRL.O.P.No.767 of 2023

- (d) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (e) the petitioner shall not abscond 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 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. Since the Sessions case is pending before the Mahila Court at Coimbatore in S.C.No.47 of 2022, this Court directs the learned Mahila Court Judge, Coimbatore to dispose the case as expeditiously as possible.

12.01.2023

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Copy to:

1. The Mahila Court,
Coimbatore.



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CRL.O.P.No.767 of 2023

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