



Crl.O.P.No.29180 of 2023

Crl.O.P.No.29180 of 2023

WEB C **P.DHANABAL, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 342, 354(A), 324 and 506(i) IPC in Crime No.253 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 08.12.2023 at about 9.00 am, when the defacto complainant went to the petitioner's house for giving temple prasadam, the petitioner used criminal force with intent to outrage the defacto complainant's modesty. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that there is a previous enmity between the defacto complainant and the petitioner's family members. He would also submit that accused invited the defacto complainant and misbehaved with her. He would also submit



CrI.O.P.No.29180 of 2023

that there is a case in counter. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that the injured is discharged from the hospital and also considering that there is a counter case and the offences charged against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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 **learned Judicial Magistrate No.2, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.



CrI.O.P.No.29180 of 2023

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

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

[d] 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].

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

28.12.2023

nr/rkp



WEB COPY



CrI.O.P.No.29180 of 2023

P.DHANABAL,J

nr/rkp

CrI.O.P.No.29180 of 2023

28.12.2023