



Crl.O.P.No.29250 of 2023

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WEB CO **P.DHANABAL, J.**

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 354 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of harassment of Women Act in Crime No.7 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner has abused the wife of the defacto complainant through phone call resulting in the registration of a case. Hence this case.

3. The learned counsel for the petitioner would contend that the defacto complainant and the petitioner are family members and neighbours. The petitioner has lodged a complaint before the Periyapalayam police station against the defacto complainant and CSR.No.799/2023 also given. Suppressing the said fact, the defacto complainant has lodged the complaint. He would further submit that no one was injured by the petitioner. He would further submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to



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grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) would submit that the defacto complainant and the petitioner are family members and also neighbours. The petitioner has abused the wife of the defacto complainant over phone. But nobody was injured in this case. However, 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 relationship between the defacto complainant and the petitioner and that they are neighbours and nobody was injured and considering the nature of offences, 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, Uthukottai* on condition that the

<https://www.mhc.tn.gov.in/judis> petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



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Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner shall report before the respondent police every Saturday at 10.00 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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.

Gv

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