



Crl. O.P. No.318 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners/A1 to A3 who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 323 and 417 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 registered in Crime No.3 of 2023 on the file of the respondent police seek anticipatory bail.

2. As a matter of fact, the defacto complainant had given an earlier complaint against the 1st petitioner herein, in which FIR was registered in Cr. No.4 of 2022 dated 15.10.2022 under Sections 417, 376 and 506(i) of IPC against the 1st petitioner.

3. It is the case of the learned Government Advocate (Criminal Side) representing the respondent that in that case, FIR is still kept pending by the respondent. It is stated that the petitioner had obtained anticipatory bail and during the course of enquiry, he promised to marry defacto complainant. But subsequently since he did not marry, but, however, the defacto complainant had given birth to a child and when questioned, the



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petitioners 2 and 3 had attacked her and hence the present FIR came to be registered.

4. The learned counsel for the petitioner produced a bunch of photographs with allegations against the conduct the defacto complainant, but I am not prepared to take a view of those photographs. During the enquiry on the earlier complaint, this petitioner had agreed to marry the defacto complainant and on the basis of mutual consent, that complaint was kept pending. Now the petitioner had again refused and has not taken a decision to marry defacto complainant.

5. Therefore, I am not inclined to grant anticipatory bail to the 1st petitioner and this Criminal Original Petition is dismissed as against the 1st petitioner.

6. Taking into consideration age and position of the 2nd and 3rd petitioners and over all consideration of the entire facts of the case, this Court is inclined to grant anticipatory bail to the 2nd and 3rd petitioners with certain conditions.



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5. Accordingly, the 2nd and 3rd petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned XV Metropolitan Magistrate, George Town, Chennai** on condition that the petitioners shall each 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:

[a] the petitioners 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 2nd petitioner shall report before the **respondent Police, every day at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;**



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[c] the 3rd petitioner shall report before the respondent police weekly once for a period of three weeks and thereafter as and when required for interrogation and

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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