



Crl.OP.No.2620 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/A1 in Crime No.26 of 2024 registered by the respondent police for the offences punishable under Sections 294(b), 323, 324, 447 and 506(i) of IPC and Section 4 of Women Harassment Act seeks anticipatory bail . In the petition, the provision of law had been given as 506(2) IPC. A memo had been subsequently filed to correct the said provision of law.

2. It is the case of the prosecution that on 22.01.2024, the petitioner had tried to attack the defacto complainant and threatened her. It is stated that the accused and the defacto complainant are relatives and they have an existing dispute with respect to property.

3. It is the contention of the defacto complainant that when an order passed by the learned Principal District Munsif, Thiruchengode was sought to be enforced, the petitioner had obstructed. That is an issue which is beyond the scope of determination by this Court.



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4. In this Court, the petitioner herein had file an affidavit wherein, he had stated as follows:

“ 4. I submit that the civil cases are pending for adjudication and I hereby undertake that I will go by the decision render by the courts and will not escalate the present situation and further we also initiated civil suit against the defacto complainant family members” .

The fact that he had come forward to undertake as above is deeply appreciated. The defacto complainant was also called upon to file an affidavit but unfortunately, the defacto complainant had extracted the entire history and the only relevant portion in the said affidavit, so far as the requirement of this court is as follows:

“ 10. I humbly submit that I undertake to cooperate with the investigation and also, I am a law-abiding citizen in the past and ever”.



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5. Admittedly, there are several litigations pending against both the parties. A counter complaint had also been lodged by the petitioner against the defacto complainant and is still pending in C.S.R.No.34 of 2024.

6. Taking all the factors into consideration, 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, Tiruchengode* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 report before the respondent police on every Saturday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

[e] 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]**.



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

8. If the petitioner may file a memo to correct the provisions of law and when it is filed, the Registry may forward and after it is filed, order copy may be issued.

9. With the above directions, this Criminal Original Petition is ordered.

Vv

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