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Crl.O.P.No.5574 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner / A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(2) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 in Crime No.697 of 2023, seeks anticipatory bail.

2.The petitioner is technically a stranger to the marital life between the defacto complainant and her husband, who are now at logger heads by filing cases before the Family Court and in other Courts and in one of the Court / VII Additional Family Court, visitation had been granted to the defacto complainant to visit the children, who is in the custody of the accused. When the defacto complainant went over to the house to visit the children, it is the case of the respondent / prosecution that this petitioner had denied access and had segregated the children away and prevented her from meeting the children.



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3.The earlier petition seeking anticipatory bail was dismissed on 06.02.2024 in Crl.O.P.No.28623 of 2023. On that date, the 1st and 2nd accused had been granted anticipatory bail but anticipatory bail was denied to this petitioner.

4.An affidavit has now been filed by the petitioner, wherein, he had stated as follows:

“6. I further humbly submit that I undertake that I will not visit or interfere with their family disputes. Therefore, I will not intervene in defacto complainant's family issues. Further, I am ready for substantial sureties and I would abide by any conditions that may be imposed by this Hon'ble Court.”

5.A copy of the same had also been forwarded to the learned counsel for the defacto complainant, who also filed intervening application. The learned counsel for the defacto complainant stated that the Court should impose cost on the petitioner for preventing the defacto complainant from having access to the children and from entering into the



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marital house. But that can be done only when the offence is proved.

6.A direction is given that if on conclusion of trial, the offence is proved as against this petitioner, the Trial Court can exercise the right to impose costs or to direct compensation to be paid to the defacto complainant. If there is violation of the aforementioned undertaking, the defacto complainant is at liberty to file an application seeking to cancel the anticipatory bail.

7.Observing as above, this Court is inclined to grant anticipatory bail to the petitioner and with certain conditions:

8.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 District Munsif -Cum- Judicial Magistrate, Madhavaram, 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



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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 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 everyday at 10.30 a.m., until further orders.

[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.

08.04.2024

smv

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