



Crl.O.P.No.11685 of 2024

Crl.O.P.No.11685 of 2024

WEB COPY

P.DHANABAL,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 376, 354C, 354D, 509, 506(2) of IPC, in Crime No.22 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the accused is the bus driver of the college taking advantage started sexually harassed the defacto complainant by text messages. The accused threatened the defacto complainant by video call, stating that if the defaco complainant did not love him he would commit suicide and also inflict injuries all over the body. On 27.12.2015, the defacto complainant received a phone call from the accused knowing that she was coming alone and the accused was waiting at Vandalur and threatened the defacto complainant. Hence the accused forcibly tied a couch rope around her neck and also taken a photo in his mobile phone and threatened to upload these photos on social media. The accused went to her house and forcibly stayed with defacto complainant and threatened her to have



Crl.O.P.No.11685 of 2024

sex with him on 31.12.2016 and forced her to get married and got registered marriage. Further the accused frequently forced her to have sexual relationship. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner married the defacto complainant and there is misunderstanding between them and the defacto complainant refused to join with the petitioner. Having no other option the petitioner filed divorce petition before the Family Court, Chennai IDOP.No.3075 of 2023 and the case was posted for filing counter. The defacto complainant instead of filing counter gave a false complaint against the petitioner. He further submitted that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that he is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is the husband of the defacto complainant and the matrimonial dispute is pending before the Court and



CrI.O.P.No.11685 of 2024

investigation is completed charge sheet also been filed. However, he strongly opposed for the grant of anticipatory bail to the petitioner.

6. Heard both side and perused the materials available on record.

7. Considering the submissions made by the learned counsel on either side, and considering the fact that the matrimonial dispute is pending between the parties and considering the relationship and the nature of offences, this Court is inclined to grant anticipatory bail to the petitioner 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 Judicial Magistrate at Ambattur, Thiruvallur district 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:



CrI.O.P.No.11685 of 2024

[a] the petitioner shall report before the learned Judicial Magistrate at Ambattur, Thiruvallur on every Monday at 10.30 a.m., until further orders.

[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 269 B.N.S.

16.08.2024

dpq



WEB COPY



Crl.O.P.No.11685 of 2024

P.DHANABAL, J.

dpq

Crl.O.P.No.11685 of 2024

16.08.2024