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Crl.O.P.No.11934 of 2024

**Crl.O.P.No.11934 of 2024**  
**and**  
**C.M.P.No. 7804 of 2024**

**T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 323, 506(i) of I.P.C r/w. 5(m)(n), 6 of POCSO Act, in Crime No.211 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that petitioner and defacto complainant are remarried couple. The petitioner has threatened the defacto complainant to commit suicide if she not marry him. Hence, the defacto complainant married the petitioner and lived together along with her daughter who is born through her 1<sup>st</sup> husband. The defacto complainant's daughter informed about the assault of the petitioner to her, and the same was confirmed by the defacto complainant from the C.C.T.V. Footages and when she enquired the same, the petitioner has assaulted the defacto complainant and her daughter. The defacto complainant went to Andhra for her education purpose. On 21.02.2024, the victim's school Principal informed to the defacto complainant about the injuries sustained in victim face. The defacto complainant enquired the same with the petitioner's



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daughter and she informed that the petitioner was assaulted and pocked the defacto complainant's daughter on her genital order and when she asked about the same, the petitioner has threatened the defacto complainant with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the defacto complainant have invited a quarrel and caused harassment on the petitioner, therefore, a difference of opinion arose between them. Hence, a wordy quarrel also leads she left the matrimonial house. The petitioner treated and taken care of the daughter of the defacto complainant as his own child. Now the defacto complainant misused the same and lodged the false complaint. The petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that petitioner has assaulted and threatened the defacto complainant and her daughter. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance before the **learned Judicial Magistrate, Harur, Dharmapuri** 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 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 is directed to report before the respondent police on every Saturday at 10.30am., for a period of eight weeks and thereafter, as and when required for interrogation;**

**[c] the petitioner is directed to pay Rs. 5,000/- as maintenance to the defacto complainant on every first week in the calender month, till modified by Court of law;**

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

[e] the petitioner 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 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**



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**Kerala [(2005)AIR SCW 5560];**

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

7. Accordingly, this Criminal Original Petition is granted.

Consequently, connected miscellaneous petition is closed.

**06.06.2024**

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**T.V.THAMILSELVI, J.**

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