



Crl.O.P.No.12519 of 2024

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WEB C **C.SARAVANAN, J.**

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of the Indian Penal Code read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.196 of 2024.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) accepting notice for the respondent.

3. The case of the prosecution is that the petitioners are arrayed as A1 & A2. The first petitioner is the husband and the second petitioner is the brother-in-law of the de-facto complainant - Mrs.Manjula. The first petitioner and the de-facto complainant are estranged husband and wife and a matrimonial case is pending between them and the third accused is the paramour of the first petitioner. The de-facto complainant had gone to pay respects to the death of the father of the first accused. At the time, the petitioner along with the third accused are reported to have abused her and caused injuries to her. Hence, the complaint.



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4. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

5. Learned Government Advocate (Crl.Side) appearing for the respondent would submit that the de-facto complainant was discharged from the hospital. She also submits that a similar case is pending against between the same parties. Hence, she vehemently opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, age of the petitioner and also the submissions made by either sides, the Court is inclined to grant Anticipatory Bail to the petitioner and the petitioner shall be released immediately on bail, in the event of arrest or on his appearance, with subject to the following conditions :-

[a] the petitioner shall appear before the **learned Judicial Magistrate, Thiruthani**, within a period of fifteen days from the date on which the order copy made ready.



[b] 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.

[c] 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.

[d] the petitioner shall deposit a sum of **Rs.50,000/- (Rupees Fifty thousand only)** to the credit of Crime No.196 of 2024 for being withdrawn by the de-facto complainant.

[e] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

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



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[h] 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]**.

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

24.05.2024

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