



Crl. O.P. No.19113 of 2024

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WEB C P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 296(b), 329(4), 115(2), 324(2), 351(2) and 75(1)(i) of B.S.S. in Crime No.322 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that during the absence of the defacto complainant's husband, who is working as lorry driver, the petitioner, living in the same village of the defacto complainant, used to give sexual harassment to her and when she refused for the same, on 23.07.2024, at 10 p.m., the trespassed into the house of the defacto complainant and again gave sexual harassment and physically assaulted her and abused her with filthy language and damaged the weighing scale and utensils and threatened her. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent and he has not indulged in any activities as alleged in the F.I.R and he has been falsely implicated in this case by the respondent police and hence he seeks anticipatory bail.

4.The learned Government Advocate (Criminal Side) would submit



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that the petitioner and the defacto complainant are neighbours and he entered into the house of the defacto complainant in the absence of her husband, sexually harassed her, abused her with filthy language, assaulted and threatened her, caused damages and hence he objected to grant anticipatory bail to the petitioner. However, the learned Government Advocate (Criminal Side) also would contend that the injured person was discharged from the hospital as it was simple injury and there is no previous case pending against the petitioner.

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

6. Considering the rival submissions on either side, considering the fact that the co-accused was arrested and released on bail and considering the nature of offences, I am 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, Uthangarai, Krishnagiri 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:



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WEB COPY [a] the petitioner shall report before the respondent police on every day 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. 2023.

08.08.2024

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P.DHANABAL,J

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To

1. The Judicial Magistrate, Uthangarai, Krishnagiri District
2. The Sub-Inspector of Police, Uthangarai Police Station, Krishnagiri.
3. The Public Prosecutor, High Court, Madras.

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