



Crl.OP.No.15657 of 2024

CRL OP.No.15657 of 2024

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P.DHANABAL,J

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 296 (b), 351(2) of BNS r/w U/s 4 of Women Harassment Act, in Crime No.296 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The prosecution's case is that the petitioner, who was the personal driver of the defacto complainant, had verbally abused her in filthy language and threatened her in dire consequences and also harassed her mentally. Therefore, based on the complaint given by the defacto complainant, a case was filed. Hence the petition.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and that the alleged incident did not occur as claimed by the de-facto complainant; a false case has been foisted against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. On the other hand, the learned Government Advocate representing the respondent police submitted that the complainant before this Court had



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an affair with the accused, who was a driver. The accused had abused the defacto complainant and pulled her saree, hence he has committed an offence punishable under Woman Harassment Act. Hence, he objected to grant anticipatory bail to the petitioner.

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

6. Considering the rival representations made by both sides' learned counsels, and also considering the dispute arisen between the parties, and also the fact that the petitioner has no previous cases of a similar nature, I am inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is **allowed** and the petitioner is ordered to be released on anticipatory bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XIIIth Metropolitan Magistrate Court, Egmore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police every day



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at 10.30 a.m., until further orders;

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[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 respondent police 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 anticipatory 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.

12.08.2024

jrs



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To

- 1.The XIIIth Metropolitan Magistrate Court,
Egmore.
2. The Inspector of Police,
V6, Kolathur Police Station,
Chennai.
- 3.The Additional Public Prosecutor,
Madras High Court,
Chennai.

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