



Crl.O.P.No.27875 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 354, 442 and 506(ii) r/w Section 34 I.P.C in Crime No.62 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant Anitha lodged a complaint stating that the petitioner herein, who is the wife of her business partner namely Sarath Babu had taken a video of her with her husband, when they were persuing the accounts. It is also stated that the petitioner had further abused and attacked the defacto complainant. Hence, this case.

3. Learned counsel appearing for petitioner submitted that petitioner is the wife of one Sarath Babu, who is running a canteen in the Mahatma Gandhi Medical College and Hospital, the defacto complainant is working as a manager had developed illicit affair with the petitioner's



husband. He further submitted that the petitioner found the defacto complainant and her husband in compromising position in the guest house of the petitioner's husband in Puducherry, hence the petitioner lodged a complaint to the respondent police and on their advise, lodged a police complaint before the All Women Police Station, Guindy in Crime No.01 of 2024. He further submitted that the petitioner had also filed a Divorce Petition against her husband in H.M.O.P. No.1646 of 2024 before the Hon'ble Principal Judge, Family Court, Chennai, hence as a counter, the defacto complainant has lodged a false case to cover up their illicit affair. He further submitted that the petitioner is innocent and she is ready to furnish sufficient sureties and to abide with any stringent condition that may be imposed by this Court, therefore, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that due to illicit affair between the petitioner's husband and the defacto complainant, the petitioner abused and attacked the defacto complainant.



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5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate-III, Puducherry** on condition that the petitioner shall execute a separate 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 shall report before the respondent police everyday at 6:00 p.m., for a period of one week and thereafter every Saturday at 6:00 p.m., until further orders.

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

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

[e] 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].



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 B.N.S.

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