

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,  
Vacation Sessions Judge, Theni,

**Dated this the 11<sup>th</sup> day of May 2024**

**Crl.M.P.No.42/2024**

**CNR.No.TNTH00-0000042-2024**

Ashik @ Jeyaraj

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Cumbum North P. S. in

Cr.No.104/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru. K.Dharmakodi, Learned Counsel for the petitioner and the Learned Public Prosecutor for the State and this Court passed the following:

**ORDER**

This petition has been filed by the petitioner/accused U/s.438 of Code of Criminal Procedure seeking anticipatory bail.

**2. The Nitty-Gritty of the prosecution case is as follows:**

On 07.04.2024 at 8.00 p.m., the petitioner abused the complainant with filthy language and assaulted her with wooden log also he intimidated the complainant with dire consequences. Therefore the case registered against them U/s.294(b), 324, 506(ii) of IPC and U/s.4 of TamilNadu Provision of Harassment of Women Act 2002.

3. Heard both sides.

4. The points for determination is the can anticipatory bail be granted to the petitioner?

**Answer :**

5. The FIR and reply are perused. The petitioner frequently quarrelled with his wife, Taslema. As a result, the petitioner's wife left her home and stayed in the house of complainant following which the occurrence took place. The family dispute ultimately converted into the incident. Both the petitioner and the complainant are close relative. Having considered the facts and circumstances of the case as well as relationship between the parties, I inclined the petitioner on anticipatory bail.

6. Therefore it is ordered that in the event of his arrest by the Respondent or on his surrender before the Learned Judicial Magistrate at Uthamapalayam, he shall be released on anticipatory bail on executing a bond for sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum. Following conditions are imposed on him :-

i) He shall appear before the Cumbum North Police Station daily at 10.00 a.m., and 5.00 p.m., for the period of 25 days from the date of release on bail.

ii) The petitioner shall not tamper with evidence or witnesses either during the investigation or trial.

iii) The petitioner shall not abscond either during the investigation or trial.

7. 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 laid down by the Hon'ble Supreme Court in P.K.Shaji – Vs- State of Kerala ( 2005) AIR SCW 5560).

..3..

8. If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court on this the 11<sup>th</sup> day of May 2024.

**Vacation Sessions Judge,  
Theni.**

**Copy to:**

The Judicial Magistrate, Uthamapalayam.  
The Public Prosecutor, Theni.  
The Petitioner's through his Counsel.  
The Inspector of Police, Cumbum North.