



secretly vacated her house and moved to another house in Mangadu. In March 2021, his son completed his 5th standard and daughter Thithi, completed her 3rd standard in M/s.Srimathi Sundaravalli Memorial School in Chrompet. After that, since the defacto complainant moved to Managdu, the petitioner in order to take care of the welfare and education of the children, got admission for both children in M/s.Narayana Olympiad School, at Vanagaram. Further unfortunately, the defacto complainant did not allow the children to attend the online classes in the said School in Vanagaram.

4. It is further submitted that the defacto complainant has involved in adultery continuously for the past 3 years from 2018 to 2021. Even the said Deena Dayalan's wife had also applied for divorce from him for the same reason. It is therefore necessary that the custody of the child to the first petitioner is expedient to put them in proper school and hence he has taken the custody of his child for welfare of the children and prays for grant of anticipatory bail.

5. The learned counsel appearing for the intervenor submitted that the defacto complainant met with an accident and undergone hip replacement surgery and she is unable to maintain herself and therefore, she filed a maintenance petition before the competent Court. In order to wreck vengeance against the defacto complainant, the 1st petitioner Husband illegally entered the defacto complainant's house and unlawfully taken custody of the children and hence strongly opposed to grant anticipatory bail to the petitioners.

6.The learned Government Advocate (Crl.Side) submitted that it is purely a family dispute and the investigation is pending in this case and now FIR number has been assigned for the complaint given by the defacto complainant, in Cr.No.205/2021.

7. Considering the facts and circumstances of the case that admittedly the 1st petitioner is the Father of the Children and he is providing education to the children by getting admission for them in M/s.Narayana Olympiad School, at Vanagaram, and further considering the fact that the children has also showed their inclination to go along with the father, I am inclined to grant anticipatory bail to the petitioners.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Cuddalore District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police as and when required;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
08/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 INSPECTOR OF POLICE
D-2 REDDYCHAVADI POLICE STATION,
CUDDALORE, CUDDALORE DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S U.KARUNAKARAN Advocate on payment of necessary
charges SR.NO.11309

CRL OP.19079/2021

Date :08/10/2021

CSK 25/10/2021