



CrI.O.P.No.19220 of 2022

CrI.O.P.No.19220 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 498(A), 406 and 420 of IPC, in Crime No.14 of 2022, seek anticipatory bail.

2. The case of the prosecution is that A1 and the defacto complainant are husband and wife. Due to matrimonial dispute, there was a quarrel between the first accused and the defacto complainant and it is also alleged that the petitioners harassed the defacto complainant and tortured her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the first accused attended the enquiry on receipt of the notice issued under Section 41A of Cr.P.C before the respondent and accepted to handover the passport and other certificates to the defacto complainant. However, the



CrI.O.P.No.19220 of 2022

defacto complainant failed to appear before the Police Station and as such again it was returned back to the first accused. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the Intervener would submit that the petitioners are the parents of the first accused. The first accused and the petitioners herein continuously tortured the defacto complainant and harassed her. The defacto complainant also filed a divorce petition before the learned Judicial Magistrate, Ambattur. Thereafter, the petitioners and the first accused threatened the defacto complainant to withdraw the divorce petition. The accused persons are also refusing to return the original certificates of the defacto complainant and her child. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that there are totally 3 accused in which the petitioners are arrayed as A2 and A3. A1 and the defacto complainant are husband and wife. Due to misunderstanding, there was a dispute between them and the first accused



Crl.O.P.No.19220 of 2022

also attacked the defacto complainant. The petitioners herein also assaulted the defacto complainant and threatened the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. It is seen that the entire allegations are against the first accused alleging that the first accused refused to return the passport and other original certificates of the defacto complainant. Insofar as the overtact against the petitioners are concerned, they physically attacked the defacto complainant and threatened her with dire consequences. However, there is no evidence to show that the petitioners attacked the defacto complainant.

7. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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



Crl.O.P.No.19220 of 2022

WEB COPY

from the date on which the order copy made ready, before the Additional Mahila Court, Egmore, Chennai, on condition that each of the petitioners 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 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 petitioners 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 petitioners shall return the original passports of the defacto complainant and the child, birth certificate of the child and OCI card of the child before the respondent. Failing which, the petition for anticipatory bail shall stand cancelled.

[c] the petitioners shall report before the respondent Police daily at 10.30 a.m, for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either



Crl.O.P.No.19220 of 2022

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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

12.08.2022

mn

G.K.ILANTHIRAIYAN, J.

mn



WEB COPY



Crl.O.P.No.19220 of 2022

Crl.O.P.No.19220 of 2022

12.08.2022