



Crl.O.P.No.22727 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 323, 498(A), 509, 506(i) I.P.C., in Crime No.6 of 2022 on the file of the Respondent Police, seek bail.

2.The case of the prosecution as per the defacto complainant viz. Shilaja is that she got married to the 1st petitioner on 09.04.2005 as per Hindu Marriage rites and customs and a daughter had been born to them out of the wedlock. Thereafter, the 1st petitioner started to harass the defacto complainant, caused physical violence, abused her on the allegation of Adultery and constantly subjected her to physical and mental torture. On 12.07.2020, the accused had beaten her with a power extension cord and attempted to choke her unconscious, resulting in her bleeding severely, since it was a COVID period she was not able to avail any medical treatment. When the defacto complainant made a complaint to the police, they refused to accept the same. Thereafter on 01.09.2020



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and 02.09.2020, she found two hidden cameras in her bed room and showering room connected to Wifi and the 1st petitioner had threatened her that the recording done will be uploaded in web. Despite several complaints given in person and online, the respondent police have not taken any action, thereby, the defacto complainant preferred a complaint under 156 (3) Cr.P.C in C.M.P.No.310 of 2021 before the Mahila Court, Alandur. Based on the reference of the learned Magistrate, the case came to be registered in Crime No.6 of 2022 by the respondent police for the above said offence.

3.Learned Counsel appearing for the petitioner submitted that the marriage between the petitioner and the defacto complainant was solemnised on 09.04.2005 and the couple has one female child out of their wedlock. After few years of their marriage, the character of the defacto complainant got completely changed and she has also developed illegal intimacy with one Harish Menon. Since her illegal relationship was objected by the 1st petitioner, there used to be frequent quarrel among the couple, thereby, a complaint was lodged by the petitioner before the



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Inspector of Police (L & O), J8, Neelankarai and the 1st petitioner and the defacto complainant were called for enquiry. During such enquiry, the defacto complainant admitted to the relationship she had with another person and expressed her desire to get divorce from the petitioner through Family Court. Thereafter, on 24.08.2020 after the closure of the complaint, the petitioner filed H.M.O.P.No.1351 of 2021 before the Subordinate Court, Tambaram, seeking divorce. The defacto complainant has also filed another application for divorce before the III Additional Family Court, Chennai in O.P.No.2165 of 2020. While so, when these petitions were pending, the defacto complainant on 08.09.2021 got married to one Harish Menon when the marriage between the petitioner and the defacto complainant was in subsistence. Thereby, the petitioner filed a private complaint in C.M.P.No.1670 of 2022 on the file of the learned Judicial Magistrate of First Class, Pattambi, the jurisdictional Magistrate for offence under Section 494 I.P.C. and the Court had issued summons and only as a counter blast, the defacto complainant has preferred the present complaint. When the matter has already been settled, the same issue is racked up again only to bring the



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petitioner for settlement. The learned counsel would further submit that the 2nd petitioner is none other than the mother of the 1st petitioner, against whom, no allegations are made.

4.Learned Government Advocate (Crl. Side) vehemently opposed to the grant of anticipatory bail to the petitioner stating that the case has been registered only based on the direction of learned Additional Mahila Court, Alandur. As per the complaint, the petitioner is stated to have abused, assaulted the defacto complainant and also kept hidden cameras in the rooms of the defacto complainant and her daughter. He would submit that investigation is pending.

5.Learned counsel for the intervenor would vehemently oppose for the grant of anticipatory bail stating though it may look as a simple case of matrimonial dispute, the 1st petitioner has not only taken private videos of the defacto complainant and her daughter, he has also hosted a Youtube channel to upload the private videos of her and her daughter. He further denied the 2nd marriage of the defacto complainant.



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6.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side). Perused the entire materials placed on record.

7.Taking into consideration the facts and the submissions made by the learned counsel for the petitioners and also the fact that the matrimonial dispute is pending between the parties and that the learned Judicial Magistrate, Pattambi has also taken cognizance on the complaint of the petitioner, 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 from the date on which the order copy made ready, before the Additional Mahila Court, Alandur, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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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 1st petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of three weeks, thereafter report before the respondent police on every Saturday at 10.30 a.m. until further orders.

[c] the 2nd petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either



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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 absconds, a fresh F.I.R can be registered under Section 229A IPC;

12.10.2022

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