



Crl.O.P.No.23359 of 2022

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A.D.JAGADISH CHANDIRA.J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 498A of IPC in Crime No.55 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Abarna is that the marriage between herself and her husband/A1 was solemnized on 18.11.2012 at Ramanathapuram. At that time, 25 sovereign of gold jewels and other seethana articles were given. The further case is that the husband and his family members have harassed the defacto complainant physically and mentally and thereafter, the defacto complainant came to know that her husband has married the petitioner while the marriage between them was in subsistence. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A4 in this case and the allegation as per



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the defacto complainant is that the petitioner is the second wife of her husband. He would further submit that the petitioner is not aware of the earlier marriage between her husband and the defacto complainant, since the petitioner herself is a victim. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that while the earlier marriage was in subsistence, the petitioner knowingly married the first accused. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned



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Additional Mahila Judge, Coimbatore, on condition that the petitioner shall execute a 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 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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



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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]***; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

27.09.2022

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