



Crl.O.P.No.24824 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 alleged offence punishable under Sections 494, 498(A) I.P.C. r/w Section 4 of Tamil Nadu Prohibition of Harassment against Women Act, 2002, in Crime No.10 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Gayathri is that, the marriage between the defacto complainant and her husband took place 12 years ago and that there was a matrimonial dispute between them. While so, her husband has married another woman, the petitioner herein. Hence the complaint.

3.Learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been lodged against her. He would further submit that the petitioner was not aware of the earlier



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marriage of her husband with the defacto complainant and she herself is a victim in this case. Hence prays for grant of anticipatory bail.

4.Learned Government Advocate (Crl.side) vehemently oppose, stating that the petitioner is the 2nd wife of A1 and she has been arrayed as A2 in this case. A1 has married this petitioner when his earlier marriage with the defacto complainant was in subsistence.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side). Perused the materials placed on record, including F.I.R.

6.Taking note of the facts and circumstances and the submissions of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days



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from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Mettur, Salem District 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 as and when required for interrogation.

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

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



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[e] 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 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;

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

14.10.2022

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