



Crl.O.P.No.25170 of 2022

WEB COPY

Crl.O.P.No.25170 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 420 and 506(i) of IPC, in Crime No.20 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Sangeetha is that she married the petitioner in the year 2010 and that out of their marriage there is no issue. The further allegation is that the petitioner left the matrimonial house without the knowledge of the de facto complainant and that during their matrimony, the de facto complainant had spent huge amount on the petitioner. The further allegation is that earlier during the Month of January 2022, the de facto complainant lodged a complaint against the petitioner before the respondent Police. While so, later the de facto complainant came to know that the petitioner was already married and he was having two children (one son and one daughter). Hence the case.



CrI.O.P.No.25170 of 2022

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioner and the de facto complainant are known to each other and there was some financial transaction between them and it is true that the de facto complainant had helped/assisted the petitioner during his financial crisis and the petitioner in order to return the money has agreed to transfer two houses, one is at Thirunindravur and another one is at Ambattur in favour of the de facto complainant whereas, she had insisted to pay huge amounts and thereby the settlement could not be arrived. He would further reiterate that the petitioner had earlier sent a Legal Notice on 25.03.2022, wherein, he had offered to give two of his houses in Thirunindravur and Ambattur and further to show his bona fide, he is ready and willing to deposit the Original Title Deeds of the two houses to the credit of Crime No.20 of 2022 before the concerned Court, at the time of execution of sureties and he is also ready to give an affidavit of undertaking that he will execute all the necessary documents for transferring of the houses in the name of the de facto complainant and further he will not encumber or alienate the property. Hence, he prays for grant of anticipatory bail to the petitioner.



CrI.O.P.No.25170 of 2022

WEB COPY

4. The learned Government Advocate (Criminal side) for the respondent would submit that the petitioner and the de facto complainant were married ten years ago and later suppressing the marriage, the petitioner married another lady and he also has two children (one son and one daughter) out of the second marriage. He would further submit that the earlier complaint was filed by the de facto complainant against the petitioner only in respect of the subsequent marriage and an enquiry was conducted and the matter was referred as civil in nature and the de facto complainant was directed to file a private complaint. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Mr.M.Krishnamoorthy, learned Counsel for the intervenor would submit that earlier the intervenor/de facto complainant had given a complaint in respect of the second marriage and the intervenor/de facto complainant was directed to approach the Civil Court by way of filing a private complaint. He would further submit that the fact remains that the intervenor/de facto complainant was also cheated heavily by the petitioner/accused and the Shreedhana Articles amounting to several



CrI.O.P.No.25170 of 2022

lakhs. The intervenor/de facto complainant had not suppressed the same and the present complaint is in respect of cheating and misappropriation.

6. Heard the learned Counsel and perused the materials available on record.

7. It is averred that the marriage was held during the year 2010 and that at the time of marriage, Shreedhana Articles were given. It is further case of the petitioner that there was a financial transaction between the petitioner and the de facto complainant. It was also admitted by the petitioner that the petitioner is ready and willing to transfer two immovable properties (two houses) mentioned above in favour of the de facto complainant and that he is ready and willing to deposit the Original Title Deeds and give an undertaking that the properties will not be encumbered.

8. Taking note of the facts and circumstances of the case, the submissions of both sides and also the petitioner is prepared to deposit



CrI.O.P.No.25170 of 2022

Original Title Deeds of immovable properties (two houses) worth about Rs.60 Lakhs, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner shall deposit the Original Title Deeds of immovable properties (two houses) viz at Thirunindravur and Ambattur in the name of the petitioner to the credit of Crime No.20 of 2022 and on such deposit, the 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 Judicial Magistrate No.1, Poonamallee**, 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:



CrI.O.P.No.25170 of 2022

[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 file an affidavit of undertaking that he will not encumber or alienate the property.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter everyday Saturday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the



Crl.O.P.No.25170 of 2022

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]**.

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

14.11.2022
(1/2)

arb



WEB COPY



Crl.O.P.No.25170 of 2022

A.D.JAGADISH CHANDIRA, J.

arb

Crl.O.P.No.25170 of 2022

14.11.2022

(1/2)