



Crl.O.P.No.26162 of 2022

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and Crl.M.P.No.18144 of 2022

C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 494 and 506(i) of IPC in Crime No.18 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner who is working as Village Administrative Officer had married the defacto complainant on 09.09.2022 and they have two children. But, started an illicit affair and out of the same, a female child was born. Hence, the present complaint was filed by the defacto complainant.

3. On an earlier occasion, when the petition for anticipatory bail came up for consideration in Crl.O.P.Nos.19713 & 19714 of 2019, this Court, by Order dated 19.09.2019 had granted bail to the second to eighth accused therein and dismissed the petition with regard to the first accused/the petitioner herein.



4. Subsequently, the petitioner had taken up that order on appeal before the Hon'ble Supreme Court. In the presence of the counsel appearing for the prosecution, a representation was made before the Hon'ble Supreme Court that a settlement agreement had been entered into between the petitioner herein and the complainant-wife on 23.06.2022. The Hon'ble Supreme Court disposed of the appeal by granting liberty to the petitioner/husband to file a fresh bail application before the Sessions Court or this Court. The petitioner has then filed this bail application.

4. The learned counsel for the defacto complainant denied the settlement agreement as alleged by the petitioner/first accused.

5. Mr.S.Udaya Kumar, learned Government Advocate submitted that consequent to the investigation, a final report has been filed and the same has been taken cognisance as C.C.No.1106 of 2022 under Sections 498(A), 494, 496 and 506(i) of IPC by the learned Additional Mahila Court, Salem. He further submitted that the case has next been listed on 26.12.2022 for appearance of the accused.



6. The learned counsel for the defacto complainant further raised an apprehension that the petitioner herein would not appear before the Trial Court.

7. I am confident that he would appear. However, if the petitioner does not appear before the Trial Court, it is for the concerned Sessions Court to act in accordance with law ensuring appearance of the petitioner during the course of trial. The issue of appearing before the Court is between the accused and the concerned Court therein.

8. Considering the fact that charge sheet has been filed and the same has been taken on file, it would only be proper that opportunity is granted for the accused to defend the case. Since, there is a substantial change in circumstance, this Court is inclined to grant anticipatory bail with certain conditions.

9. Accordingly, 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**



Additional Mahila Court, Salem, 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 appear before the said Additional Mahila Court, Salem at 10.30.a.m., during every hearing date of C.C.No.1106 of 2022, except when a petition is filed giving proper reasons. If the petitioner does not appear for 2 consecutive hearings, or appears to protract trial, the learned Sessions Judge may invoke the ratio laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[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



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

10. The learned counsel for the Intervening petitioner/defacto complainant placed a request that there is a possibility of settlement between the petitioner and the defacto complainant. The said statement is noted.

11. With the above conditions, the Crl.O.P.No.26162 of 2022 is allowed and the Crl.M.P.No.18144 of 2022 is disposed of with the above terms.

09.12.2022

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