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CRL.O.P.No.28508 of 2022

**CRL.O.P.No.28508 of 2022**

**M.DHANDAPANI, J.**

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 323, 494 & 498(A) of I.P.C r/w Section 4 of Women Harassment Act in Cr.No.32 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner and the de-facto complainant are husband and wife. The marriage was solemnized in the year 2019. The first petitioner and the third petitioner along with other accused person abused the de-facto complainant in filthy language and demanded dowry and chased her away from the matrimonial house. In these circumstances, the first petitioner is alleged to have married the second petitioner while the first marriage is in subsistence. Hence, based on the complaint lodged by the de-facto complainant, the respondent police registered a case against the petitioners and other accused persons.



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3.The learned counsel appearing for the petitioner submits that even after the lapse of two years, till date, the investigation has not been completed by the law enforcing agency and charge sheet has not been filed, however, the petitioners 2 & 3 were also granted anticipatory bail by this Court. In view of the change of the circumstance, this Court may grant anticipatory bail to the petitioner herein as well.

4.The learned Additional Public Prosecutor did not refute the submission made by the learned counsel for the petitioner. However, in view of the gravity of the offence committed by the petitioner, he strongly opposed to grant anticipatory bail to the petitioner herein.

5. Considering the facts and circumstances of the case, in view of the fact that even after a lapse of two years, investigation having not been completed by the law enforcing agency and the petitioners 2 & 3 having been granted anticipatory bail by this Court and their being a change of circumstance, this Court is inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ponneri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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(d) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation;

(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 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.

**22.11.2022**

Index : Yes/No  
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To

1. The Inspector of Police,  
All Women Police Station,  
Ponneri,  
Thiruvallur District.
2. The Judicial Magistrate No.I,  
Ponneri.
3. The Public Prosecutor,  
High Court, Madras.



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