



Crl.OP.No.26896 of 2022

Crl.O.P.No.26896 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 498(A), 494, 294(b), 323 and 506(i) IPC, in Crime No.17 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant, is that the marriage between her and A1 was solemnized during the year 2006 and she has got three children. The allegation is that her husband, having illegal affair with the petitioner/A2 had harassed her. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given by the defacto complainant, claiming that her husband was having an illegal affair with the petitioner. He would further submit that A1 has been arrested and enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is arrayed as A2 and she is the paramour of the husband of the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

6. 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 from the date on which the order copy made ready, before the learned Additional Mahila Metropolitan Magistrate, Egmore, Chennai 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:



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[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 daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[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.

[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]**.

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

16.11.2022

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