



Crl.OP.No.29496 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for an offence punishable under Sections 498 A, 494, 323, 294(b) and 506(i) of IPC in Crime No.25 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife. Second and third petitioners are Father-in-law and Mother-in-law of the defacto complainant. The defacto complainant married the first petitioner in the year 2016. Thereafter due to the family dispute first petitioner and the defacto complainant living separately and then compromise arrived between them and live together. While so, on 12.02.2020, the first petitioner assaulted the defacto complainant, due to which, her three month womb was aborted. Later, she came know that her husband/first petitioner was married the fourth petitioner and got child. Then, the defacto complainant filed D.V.C No. 6 of 2021 which is pending.



3. Heard, the learned counsel for the petitioners and the learned Government Advocate (Crl. Side).

4. It is seen that the first petitioner married the fourth petitioner during the divorce proceedings.

5. Taking note of the fact that, this Court is of the view that the first petitioner and the fourth petitioner has to be secured and custodial interrogation is necessary. In such circumstances, this Court is not inclined to grant anticipatory bail to the first petitioner and fourth petitioner. With regard to the other accused persons there is no serious over tact against them. Hence, this Court is inclined to grant anticipatory bail to petitioners 2 & 3.

6. Accordingly, the petitioners 2 & 3 are 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, Ambattur, Chennai*, on condition that the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each**, with two sureties each for a like sum to the satisfaction of the



learned Magistrate concerned and on further conditions that:

(a) if the petitioners 2 & 3 failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners 2 & 3 and 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;

(c) the petitioners 2 & 3 shall report before the Investigating Officer as and when required for interrogation;

(d) the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 2 & 3 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 petitioners 2 & 3 in



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accordance with law as if the conditions have been imposed and the petitioners 2 to 5 are 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

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. With the above directions, this Criminal Original Petition in respect of the 1st petitioner and 4th petitioner stands dismissed. The Criminal Original Petition in respect of the the 2nd & 3rd petitioners stands ordered.

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