

Crl.O.P.No.32065 of 2022**T.V.THAMILSELVI, J.**

WEB COPY

The petitioner who apprehends arrest for the alleged offence under Sections 294(b), 498(A), 494 and 506 (i) of IPC in Cr.No.11 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A2 in this case. The marriage was solemnized between A1 and the defacto complainant on 22.02.2013. Through their wedlock, they have blessed with two children. On 10.07.2022, there was a matrimonial dispute between the A1 and the defacto complainant. Due to which, A1 had send the defacto complainant to her parent's house. In the meantime, A1 got married the petitioner on 20.08.2022. When the defacto complainant had questioned about the marriage to A1, the petitioner and A1 are abused the defacto complainant in an unparliamentary words and attacked the defacto complainant. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution.



He further submits that the petitioner has been falsely implicated in this case. He would further submit that A1 is already arrested and the Divorce Petition had been filed by the A1 before Sub Court, Ambur in H.M.O.P.No.91 of 2017 against the defacto complainant. He further submits that the petitioner and A1 are family friends. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submits that the petitioner married the A1 illegally. He further submits that A1 has already been arrested. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and the learned counsel appearing for the respondent that the issue was relating to matrimonial dispute. Hence, this Court is inclined to grant anticipatory bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate, Ambur*, 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) the petitioner 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;

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

(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 anticipatory 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;

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

23.12.2022

dk

To

The Judicial Magistrate,
Ambur,



WEB COPY



5

CrI.O.P.No.32065 of 2022

T.V.THAMILSELVI, J.

dk

CrI.O.P.No.32065 of 2022

23.12.2022