

Crl.O.P.No.32139 of 2022

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 498A, 352, 323, 312 of IPC and Section 4 of TNPHW Act in Cr.No.08 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that Defacto complainant is the second wife of the petitioner. Due to family dispute, petitioner abused and ill treated the defacto complainant. Hence, the defacto complainant lodged a complaint 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. 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 abused the defacto complainant. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case that the issue



was related to family dispute, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Chief Metropolitan Magistrate Court, Egmore, Chennai* 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 Mediation Centre with defacto complainant on 04.01.2023;

(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;

WEB COPY

(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.

7.Registry is directed to post the matter along with Mediation Report on 02.02.2023

23.12.2022

dk

To
The Chief Metropolitan Magistrate Court,
Egmore
Chennai.

T.V.THAMILSELVI, J.
dk



WEB COPY



Crl.O.P.No.32139 of 2022

23.12.2022