



Crl.O.P.No.92 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence punishable under Sections 376 and 417 altered to Sections 498(A) and Section 417 of IPC in Crime No.9 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 15.11.2021 the petitioner and the defacto complainant without knowledge of petitioner's parents, secretly got married in the Registrar office. Now the petitioner is not willing to continue with his marital life with the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, without prejudice to his rights, is ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the



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petitioner.

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4. The learned Government Advocate (Criminal Side) submitted that on 15.11.2021 the petitioner and the defacto complainant without knowledge of petitioner's parents, secretly got married in the Registrar office. Now the petitioner is not willing to continue with his marital life with the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel appearing on either side, 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 his appearance before the **learned Metropolitan Magistrate-XVIII, Saidapet** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two



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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:

[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 is directed to report before the respondent police on every Saturday for four months and thereafter as and when required for interrogation.

[c] The matter relates to matrimonial dispute with regard to the petitioner and the defacto complainant. In view of the consent, the matter is referred to the Mediation Centre at Tamilnadu Mediation and Conciliation Centre, High Court, Madras not less than three sittings for the purpose of solving the issues between the petitioner and the defacto complainant. The parties are directed to appear before Mediation Centre at Tamilnadu Mediation and Conciliation Centre, High Court, Madras on 13.01.2023 at 10.30 a.m.,



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without fail.

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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioners 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]**

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

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