

Crl.O.P.No.297 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Section 294(b), 323, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2022 in Cr.No.553 of 2022 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant by name Kuppusamy was residing at Chengam, that on 2.12.2022 when he was at home at about 3 p.m A1/Ramakrishnan, husband of the defacto complainant's daughter Sangeetha, who were now divorced, came in a car with three gundas attacked and abused his wife; Kannan/ A2 threatened them; Nirmal Kumar/ A3 asked A1 to bring out the children and that A4/Banu broke open the door of the defacto complainant's house and tried to kidnap his grand sons. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that there was a dispute between the husband and wife namely A1/Defacto complainant's daughter. They were living at Abu Dhabi after their marriage;



sine the dispute arose between husband and wife., they had come to India and both the children are enrolled at Vellammal Vidyasharam, Ambathur and are studying there from 2021 and that A1 was taking care of their children. On 03.11.2022, when A1 was in abroad, the defacto complainant, his daughter and sons and few others trespassed into his house and took away the children forcibly on which A1's sister lodged complaint before Ambatur Police Station, Chennai. On 09.11.2022 when A1 met his wife and questioned about taking the children forcibly, Sangeetha replied that she will stay with children as long as she is in India and under took to hand over the children to A1 when she leaves India. However, she left India on 27.11.2022 but the children were under the custody of the defacto complainant and his family. Therefore, A1 came to India on 30.11.2022 went the residence of the defacto complainant 02.12.2022 to settle the issue. However, complaint came to be lodged. Learned counsel for the petitioners submitted that these petitioners are innocent and since they only wanted the custody of the children back to them, they went to the defacto complainant's residence. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.side) would submit that the defacto complainant's daughter/A1 had already divorced, while they were in abroad. Now, A1 to A4 trespassed into the house of the defacto complainant and abused the daughter of the defacto complainant. Upon the complaint being lodged by wife said look out notice issued by the respondent police. Hence, he vehemently opposed to grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts that A1 is husband, others only accompanied to his father-in-law's house, and also fact that originally the minor children were under the custody of A1 and the custody was forcibly removed by his father-in-law and others and that A1 had also filed Guardian O.P. Before the Cuddalore Court which is also pending, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners 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, Chengam, Thiruvannamalai District**, on condition that the petitioners 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners 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]***; and;

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

7.The respondent police is directed to withdraw the look out notice.

09.01.2023

VSN

Note:

Issue order copy on 09.01.2023



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