



Crl.O.P.No.398 of 2023

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 312 and 506(ii) of IPC in Crime No.36 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the first petitioner and the defacto complainant are husband and wife, after their marriage, the petitioners harassed the defacto complainant by insisting her to do all household works. Thereby, she left the matrimonial home and living separately for the past six years. The further allegation is that the Domestic Violence Proceedings are pending between the petitioner and the defacto complainant. While pending the divorce proceedings, the first petitioner got married with some other person. Hence the complaint.

3.The learned counsel for the petitioners would submit that this is the second complaint lodged by the defacto complainant whereas the first complaint given by the defacto complainant against the petitioners were



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quashed by this Court in Crl.O.P.Nos.16749 and 21258 of 2019. They have no relationship with her for the past six years and only in order to harass the petitioners, she has again lodged a false complaint. He further submitted that the Domestic Violence Proceedings are pending between the first petitioner and defacto complainant and they are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the marriage between the first petitioner and the defacto complainant was solemnized on 15.03.2013, after their marriage, the petitioners harassed the defacto complainant by insisting her to do all household works. Thereby, she left the matrimonial home and living separately for the past six years. While pending the divorce proceedings, the first petitioner got married with some other person. He further submitted that the investigation is still pending and hence, he opposed for grant of anticipatory bail to the petitioners.



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5.Taking into consideration the facts of the case and the submissions made by the learned counsel, 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 on which the order copy made ready, before the learned Additional Mahila Court, Egmore, Chennai, on condition that each of the petitioners shall execute a separate bond 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 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 petitioners 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.



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[b] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks.

[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]**;

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

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