

CrI.O.P.No.2004 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offence under Sections 494,294(b),352 and 506(1) of I.P.C and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2022 in Crime No.40 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner married the defacto complainant and there was some matrimonial dispute between them and he married the second petitioner. The third petitioner/mother-in-law of the defacto complainant and the petitioners 4 to 10 are the relatives of the second petitioner who assisted the first petitioner to perform the marriage. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (CrI.Side) appearing for the respondent submitted that the first petitioner performed the second marriage while the first marriage is in existence. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case **this petition is dismissed with regard to the petitioners 1 to 3 and petitioners 7 to 10** as they are responsible for the crime and , this Court is inclined to grant anticipatory bail to the fourth fifth and sixth petitioners.

6. Accordingly, the fourth fifth and sixth petitioners are 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 Judicial Magistrate at Mayiladuthurai** on condition that the first 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 failing which, the petition for anticipatory bail shall stand dismissed and on



further condition that:

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(a) the fourth fifth and sixth 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 fourth, fifth and sixth petitioners shall report before the respondent police as and when required for interrogation.

(c) the fourth, fifth and sixth petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the fourth, fifth and sixth 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 fourth fifth and sixth in accordance with law as if the conditions have been imposed and the fourth fifth and sixth petitioners 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.

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