



Crl.O.P.No.5346 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 498(A), 494, 294(b) and 506(i) of IPC, in Crime No.28 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant is none other than the wife of the 1st accused. The marriage between the 1st accused and the defacto complainant was solemnized on 13.04.2006 and registered before the Sub-Registrar Office, Cuddalore and during the existence of the 1st marriage, the 1st accused married the petitioner/A2 and when the same was questioned, both the accused have threatened the defacto complainant with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. In fact, the petitioner is also a victim in this case. The 1st accused by suppressing the earlier marriage, married the petitioner and later when the petitioner came to know about the existence of earlier



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marriage with the defacto complainant, the petitioner applied for divorce by mutual consent and the same was also granted by the Sub Court, Panruti, in H.M.O.P.No.69 of 2021 dated 22.06.2022. He would further submit that the petitioner has no previous case against her. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent would submit that the defacto complainant and the 1st accused are husband and wife and during the existence of the 1st marriage, the 1st accused, married the petitioner herein who is working in the Police Department and when the same was questioned by the defacto complainant, both the accused/A1 and the petitioner/A2 have threatened the defacto complainant with dire consequences. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records.



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6. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Additional Mahila Court, Cuddalore**, on condition that the petitioner shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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:

[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 his Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[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.

[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 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.

10.03.2023

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