



Crl.O.P.No.5362 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 Sections 498(A), 494 and 294(b) of IPC in Crime No.24 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant J.Kanimozhi is that the marriage between her and the petitioner/A1 was solemnized on 08.06.2015 and out of their wedlock they have one male child aged about 4 years. The petitioner/A1 was working as an Executive in Colours T.V and the de facto complainant came to know that he had some relationship with A2 and both of them married secretly on 03.09.2021, while his first marriage with the de facto complainant was subsisting, hence, based on the complaint given by the de facto complaint, enquiry was conducted. During the enquiry, A2 undertook that she will not interfere with the life of the de facto complainant, but she continued the relationship with the petitioner/A1. After enquiry, it



Crl.O.P.No.5362 of 2023

was found that the petitioner/A1 harassed the de facto complainant.

Hence the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely roped into this case based on matrimonial dispute. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner had earlier married with de facto complainant during the year 2015 and the petitioner was working as an Executive in Colours T.V. channel and that without the knowledge of the de facto complainant, he had married the second accused/A2. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



Crl.O.P.No.5362 of 2023

WEB COPY

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions made on either 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Ambattur, Chennai**, on condition that the petitioner shall execute a 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:



Crl.O.P.No.5362 of 2023

[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.

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

[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.

09.03.2023

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Crl.O.P.No.5362 of 2023

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Crl.O.P.No.5362 of 2023

09.03.2023