



Crl.O.P.No.8027 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498-A and 506(1) of IPC in Crime No.5 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the defacto complainant and the first accused was solemnized on 08.02.2007 and they have got two female children out of their wedlock. The allegation is that A1 along with his mother and other relatives have harassed the defacto complainant and driven her out of the matrimonial home. Hence, the complaint.

3. The learned counsel for the petitioners would submit that due to matrimonial dispute, a false and exaggerated complaint has been given against the petitioners. He would submit that the defacto complainant had deserted the first petitioner and gone away from the matrimonial home. He would submit that the first petitioner has filed a petition



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seeking for restitution of conjugal rights before the Sub Court, Alandur and which is pending in O.P.No.193 of 2023 and only after receipt of a summons a false complaint has been given. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the marriage between the defacto complainant and the first accused was solemnized on 08.02.2007 and they have got two female children out of their wedlock. He would submit that the petitioners have harassed the defacto complainant and driven her out of the matrimonial home. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Government Advocate(Crl.Side) for the respondent and perused the entire materials available on record.



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6.Taking into consideration the facts and circumstances of the case and that submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 Judicial Magistrate, Mannargudi**, on condition that each of the petitioners 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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[b] the first petitioner shall report before the respondent police every day at 10.30 a.m., until further orders. The petitioners 2 to 4 shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, 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]**.

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

18.04.2023



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