



Crl.O.P.No.8030 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 498(A) and 294(b) of IPC in Crime No.27 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant married the first accused on 25.12.2020 and it was a love marriage. The allegation is that the first accused along with his parents, harassed the defacto complainant and abused her in filthy language and driven her out of the matrimonial home. The further allegation is that the defacto complainant has also given birth to a child, whereas, the accused has not visited the child. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a case of matrimonial dispute has been exaggerated against them. He would submit that the petitioners are parents of the first accused and earlier, the petitioners were granted



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anticipatory bail by the Principal Sessions Judge, Namakkal, however, since settlement talks were going on between the parties, the petitioners had not complied with the condition and the earlier anticipatory bail got lapsed and dismissed by efflux of time. Hence, the petitioners have approached this Court seeking anticipatory bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the defacto complainant married the first accused on 25.12.2020 and it was a love marriage. The allegation is that the first accused along with his parents harassed the defacto complainant and abused her with filthy language 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.



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, Tiruchengode**, 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 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 every day at 10.30 a.m., for a period of two weeks 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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