



Crl.O.P.No.10509 of 2023

**Crl.O.P.No.10509 of 2023**

**A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 498(A) I.P.C. in Crime No.15 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sathiya is that she was in love with the 1<sup>st</sup> petitioner/A1 for the past 3 years and when they informed to both their families for conducting their marriage, both their parents refused the same and thereby, the defacto complainant and the petitioner themselves got married in a temple on 03.02.2023 without the knowledge of both their parents. Subsequently, on 15.04.2023, the parents of the 1<sup>st</sup> petitioner/A1 had called the 1<sup>st</sup> petitioner and asked him to come to temple. Hence, on 16.04.2023, in the early morning, the 1<sup>st</sup> petitioner had gone to temple along with his mother and aunt. After returning from temple, he went to his mother's sister's house at about 11 a.m. Thereafter, he returned to home at about 1.00 a.m. and broken the cell phone of the defacto complainant and went back to his parents house and thereafter, he did not come back. Though the



CrI.O.P.No.10509 of 2023

defacto complainant had called him over phone and asked to him to come back so many times, the 1<sup>st</sup> petitioner refused to come back knowing well that she was 1 ½ months pregnant. Therefore, the defacto complainant gave a complaint at Porur All Women Police Station on 20.04.2023 and after enquiry, as requested by the parents of the petitioners, the defacto complainant and the 1<sup>st</sup> petitioner agreed to stay at their parents house till the marriage of the sister of the 1<sup>st</sup> petitioner/2<sup>nd</sup> petitioner herein and while they were coming out from the police station, the 1<sup>st</sup> petitioner and his elder sister/2<sup>nd</sup> petitioner abused her stating that the 1<sup>st</sup> petitioner is not responsible for her pregnancy. Due to which, the defacto complainant consumed poison (Cow Dung Powder). Immediately, she was admitted in the hospital. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. The 1<sup>st</sup> petitioner and the defacto complainant got married without the knowledge of their parents and were living separately and thereafter, due to some misunderstanding between them, the 1<sup>st</sup> petitioner



Crl.O.P.No.10509 of 2023

came out of the house. Further, the 2<sup>nd</sup> petitioner who is the elder sister of the 1<sup>st</sup> petitioner and who has absolutely no role, has also been falsely implicated in this case since the parents of the petitioners, had asked the defacto complainant not to disclose about their marriage till the marriage of the 2<sup>nd</sup> petitioner. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of anticipatory bail to the petitioners stating that the 1<sup>st</sup> petitioner got married the defacto complainant without the knowledge of both their parents and was living separately with the defacto complainant. Thereafter, on 16.04.2023, the 1<sup>st</sup> petitioner went to his parents house and refused to join the defacto complainant. Hence, the defacto complainant lodged a complaint at Porur All Women Police Station and after attending the enquiry, the petitioners have abused the defacto complainant due to which, she consumed insecticide and that the investigation is pending.



Crl.O.P.No.10509 of 2023

WEB COPY

5. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions;

6. 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 Additional Mahila Court, Coimbatore**, on condition that the petitioners shall execute a separate 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:

[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.



Crl.O.P.No.10509 of 2023

**(b) the 1<sup>st</sup> petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;**

**the 2<sup>nd</sup> petitioner shall report before the respondent police 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.

**02.06.2023**

ksa-2



WEB COPY



Crl.O.P.No.10509 of 2023

**A.D.JAGADISH CHANDIRA, J.,**

ksa-2

Crl.O.P.No.10509 of 2023

02.06.2023