



Crl.O.P.No.12457 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406, 323, 294(b) and 506(i) of I.P.C and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.100 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is the husband, 2nd to 5th petitioners are in-laws of the defacto complainant. She picked up quarrel with the 1st petitioner and she left from the matrimonial home 18 months back and thereafter she did not return back to matrimonial home at any point of time. As per the prosecution, the defacto complainant lodged a complaint against the petitioners that she was abused and assaulted by the petitioners and she was cheated by the petitioners. Hence the case.



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3. The learned Counsel for the petitioners would submit that the due to matrimonial dispute, the 1st petitioner filed divorce petition against the defacto complainant which was numbered as H.M.O.P.No.95 of 2022 which is pending before the Sub Court, Chengalpattu. But the defacto complainant did not come to that Court for each and every hearing. She lodged a false complaint against the petitioners with a view to harass the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to matrimonial dispute, petitioner/A1 assaulted the defacto complainant and kicked her and ill-treated in many ways. Hence, he opposed for grant of anticipatory bail to the petitioners.

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



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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, Tiruporur** 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.



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[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of four 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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