



Crl.O.P.No.12593 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 323, 354D(1)(ii), 294(b), 498(A), 506(ii) IPC in Crime No. 59 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Sindhu Nila is that she got married to the first accused on 07.02.2014 and out of wedlock, they had one child. After some time, attitude of her husband has changed and he started harassing her and hacked her mobile phone and Internet and he had sent abusive messages. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. First petitioner is the husband of the defacto complainant. The second and third petitioner are in-laws of the defacto complainant. The



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marriage between the defacto complainant and the first accused held on 07.02.2014. Due to matrimonial disputes, the defacto complainant and the first petitioner were living separately and the defacto complainant has filed a petition for divorce before the Family Court and she had also threatened the first petitioner to give divorce by mutual consent. Since the first petitioner has refused, a false complaint has been given as against the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that due matrimonial dispute, the first petitioner who is the husband of the defacto complainant along with other petitioners who are in-laws, harassed the petitioner and driven her out from the matrimonial home. Further, the first petitioner had hacked the defacto complainant's phone and sent abusive messages. Hence, he vehemently opposed to grant 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, 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 Additional Mahila Court, Alandur** on condition that the each of 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/trial Court may 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 6.30 p.m., until further orders and the second and third petitioners shall report before the respondent police every day at 6.30 p.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] 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, as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

[f] if the petitioners herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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8. Accordingly, the Criminal Original Petition is ordered.

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