



Crl.OP.No.13138 of 2023

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

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498A, 354A(i) (ii), 494 and 506(i) of IPC in Crime No.12 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ajitha is that she got married to one Kalai Selvan on 16.07.2021 and subsequently she was living along with her husband. Whenever, her husband was away, her father-in-law had misbehaved with her and sexually harassed her and whenever she had brought it to the knowledge of her husband, he threatened her that he would divorce her and later, the accused have harassed and driven out her from the matrimonial home and thereafter, the first accused /husband got married with another woman without her knowledge. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and false complaint has been given. She would



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further submit that the petitioner is arrayed as A2 in this case. The marriage between the petitioner's son/A1 and the defacto complainant was performed on 16.07.2021 and due to matrimonial dispute, the defacto complainant left her matrimonial home two months ago and later she has given a false complaint. She would further submit that if the allegations had been true, the defacto complainant would have given a complaint then and there and not after two months. She also submit that the petitioner's son/A1 has been arrested and released on bail. She would further submit the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the defacto complainant's father-in-law has misbehaved with her and sexually harassed her and whenever she had brought to the knowledge of her husband, her husband threatened her that he would divorce her and later, the accused have harassed and driven out her from the matrimonial home and thereafter, the first accused /husband got married with another woman without her knowledge. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.



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

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

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate, Chengam* on condition that the petitioner shall execute a 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 petitioner 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;



[b] the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders;

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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Vv

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Vv

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