



Crl.O.P.No.13396 of 2023

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

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 498(A), 323, 342, 354, 354A, 354B and 506(ii) of IPC r/w Section 4 of TNPHW Act, in Crime No.20 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she got married with the petitioner on 02.07.2020 at Siva Sakthi Nagar, Vinayagar Temple, Tiruppur. At the time of marriage, she provided with 80 sovereigns of gold, 1.5 kgs of silver and house articles worth about Rs.4 lakhs. At that time, it was stated that the petitioner was running pharmacy and doing business of import and export of toys and cosmetics. The further allegation is that the relatives of the petitioner had harassed her and committed cruelty from the date of marriage and the petitioner had also demanded money and taken 15 lakhs and he had body shamed the defacto complainant and he compelled her to watch the obscene videos and later she came to know that the petitioner was



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engaged in the business of selling banned sex toys and that when she questioned the same, the petitioner had harassed her. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is the husband of the defacto complainant. He further submit that the marriage between the petitioner and the defacto complainant was solemnised on 02.07.2020 and as far as the defacto complainant is concerned it is the second marriage and that she got married with one Karthikeyan and she had made a similar allegation about the said Karthikeyan and later he had filed a divorce in OP.No.714 of 2014 before Family Court, Trichy and later it has been transferred to Sub Court, Thanjavur in HMOP.No.100 of 2015 and it was allowed on 09.12.2016. Subsequently, the petitioner got married and again the defacto complainant had created the problem with the petitioner and he had filed a HMOP.No.104 of 2022 on 04.03.2021 and only after the receipt of summons an exaggerated complaint has given by the defacto complainant. He further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.



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4. The learned counsel for the petitioner further submitted that earlier the petitioner's parents and relatives have filed anticipatory bail before this Court and this Court had directed the petitioner to deposit a sum of Rs.10,000/- per month as maintenance to the defacto complainant and the petitioner is ready to deposit the same to the credit of HMOP.No.104 of 2022 pending on the file of the Family Court, Tiruppur on or before 10<sup>th</sup> of every month and he has no objection in the amount being withdrawn by the defacto complainant. Hence, he seeks for anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) would submit that the marriage between the petitioner and the defacto complainant was solemnised on 02.07.2020. Subsequently, the petitioner had received money for his business purpose and cheated her and his family members have also harassed her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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6. The learned counsel for the intervenor would vehemently opposed stating that the marriage was solemnised between the petitioner and the defacto complainant on 02.07.2020 and later the accused had harassed her and taken several amount for his business and they have also committed cruelty and driver out from the matrimonial home. He further submit that though the complaint was given on 14.09.2022 and after the report from the Social Welfare Officer, a case has been registered.

7. Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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 Additional Mahila



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Fast Track Court, Tiruppur, 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(b) The petitioner shall deposit Rs.10,000/- per month to the credit of HMOP.No.104 of 2022 pending on the file of the Family Court, Tiruppur on or before the 10<sup>th</sup> of every month and the defacto complainant is entitled to withdraw the same.

[c] the petitioner shall report before the respondent police everyday at 6.30 p.m, until further orders;

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



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[f] the petitioner shall not abscond either during investigation or trial;

[g] On 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

**26.06.2023**

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**26.06.2023**