



Crl.O.P.No.14134 of 2023

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Orders Reserved on 19.09.2023	Orders Pronounced on 21.09.2023
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RMT. TEEKAA RAMAN.,J.

The petitioner/accused who is the husband of the defacto complainant (wife) seeks pre-arrest bail for the alleged offences punishable under Sections 498(A), 506 (i) IPC registered in Crime No.70 of 2022.

2. First accused is the husband and the others are relatives. Due to the marriage discard, the wife has filed the above complaint.

3. By order dated 27.06.2023, this Court referred the matter to the Tamil Nadu Mediation and Conciliation Centre, attached to High Court, Madras. The report of the Mediation Centre dated 11.08.2023 stating that the mediation failed.

4. The case of prosecution is that the petitioner/A.1 who is the husband of the defacto complainant, married her 14 years before and they are



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having two children. The defacto complainant is originally a Hindu, then converted as Muslim and married the petitioner. The allegation is that the petitioner is having illicit relationship with one Saranya and threatening the defacto complainant to divorce her. The petitioner is working as a public servant and he is serving as a Superintendent in the Tamil Nadu Civil Supplies, Chennai North. He alleged that the Government Government Gazi, Salem has issued summons to the defacto complainant. He has also sent three talaq notices dated 17.10.2022, 29.11.2022, 30.12.2022 and final notice alongwith iddat amount of Rs.15,000/- by way of demand draft; that he has also filed the declaration of marriage as dissolved before the Family Court, Namakkal in O.S.No.43 of 2023.

5. Heard the learned counsel for the petitioner as well as the intervenor and the learned Government Advocate (crl.side).

6. Today, the petitioner / husband has filed an affidavit which reads as follows-



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(i) I am ready to pay Rs.1,00,000/- to the petitioner(wife) in Crl.MP No.14546 of 2023 in Crl.OP No.14134 of 2023.

(ii) I am duty bound to pay Rs.15,000/- (for maintenance of both the children) to the petitioner(wife) in Crl.MP No.14546 of 2023 in Crl.OP No.14134 of 2023 for every month without fail.

(iii) I am duty bound to take care of my children's educational expenses and marriage expenses.

The above said affidavit of the petitioner is hereby recorded. Pending the criminal proceedings, the petitioner is directed to pay the above amounts, as stated supra.

7. Considering the affidavit filed by the petitioner/accused, I am inclined to grant anticipatory bail to the petitioner. 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 is made ready, before the learned **Additional Mahila Court, Salem**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-



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(Rupees Ten Thousand only) with two sureties each for a like sum 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 report before the respondent police on Saturday at 10.30 a.m., for a period of six weeks.

[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] 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



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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.

rgr

21.09.2023

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RMT. TEEKAA RAMAN., J.

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order in
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