



Crl.O.P.Nos.14720 & 14725 of 2023

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WEB C **RMT.TEEKAA RAMAN, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 498(A), 294(b), 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.8 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that A1 is her husband and other accused are in-laws. The marriage between her and A1 was solemnized on 22.01.2018 as per Hindu writs and customs. After her marriage, she was subjected to mental and physical cruelty by all the accused. At the time of marriage, the accused demanded 25 sovereign of gold and silver articles and Rs.65,000/- was also offered. The parents of the defacto complainant presented the gold and silver articles. But the accused continuously harassed her and A1 and A3 have beaten her. Thereafter, the accused gone to the parental house of the defacto complainant and started abusing her and her family members and pelted stones. During the quarrel,



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the father-in-law removed his pants and exhibited obscenity at the defacto complainant. After that, the defacto complainant filed HMOP.No.1095 of 2022 seeking for restitution of conjugal rights. Hence, the case.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and A1 married the defacto complainant on 22.01.2018. Even though she is so close relative, the petitioners do not know her behaviour, who is a rudest lady. Thereafter, A1 filed a divorce petition in O.P.No.1095 of 2022 before the learned III Additional Judge, Family Court, Chennai. He would further submit that FIR has been laid after one year of the occurrence. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioner have not appeared for enquiry before the respondent Police even after issuance of Notice under Section 41-A Cr.P.C.



5. The learned counsel for the intervener would submit that A1 along with other accused continuously harassed the defacto complainant, beaten her and also driven her out of the matrimonial home. Thereafter, she lived with her parents. The accused joined together, trespassed into the parental house of the defacto complainant, abused her and her family members and also pelted stones. At that time, the father-in-law of the defacto complainant removed his pants and exhibited obscenity at the defacto complainant.

6. Heard the learned counsel on either side and perused the entire materials available on record.

7(i).Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the Petitioners 1, 3 and 4 in Crl.O.P.No.14720 of 2023 alone with certain conditions.

7(ii).Taking note of the averments made in the complaint and the specific *overt act* against the Petitioner/husband in Crl.OP.14725 of 2023 and the second Petitioner/father-in-law of the Defacto complainant in



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Crl.OP.No.14720 of 2023, this Court is not inclined to grant anticipatory bail to them.

8. Accordingly, the Criminal Original Petition in Crl.O.P.No.14725 of 2023 stands dismissed and the Criminal Original Petition in Crl.O.P.No.14720 of 2023 stands dismissed against the second petitioner and in respect of the petitioners 1, 3 and 4 in Crl.O.P.No.14720 of 2022, the Criminal Original Petition stands ordered. Thereby, the petitioners 1, 3 and 4 in Crl.O.P.No.14720 of 2022 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 Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioners 1, 3 and 4 in Crl.O.P.No.14720 of 2022 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:



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[a] the petitioners 1, 3 and 4 in Crl.O.P.No.14720 of 2022 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 petitioners 1, 3 and 4 in Crl.O.P.No.14720 of 2022 shall report before the respondent police on every Tuesday and Friday at 10.30 a.m., until further orders.

[c] the petitioners 1, 3 and 4 in Crl.O.P.No.14720 of 2022 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 1, 3 and 4 in Crl.O.P.No.14720 of 2022 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**



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[(2005)AIR SCW 5560];

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

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