



Crl.O.P.No.15797 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Rajiv and Thendral who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 342, 406 read with Section 506(ii) of IPC read with Section 4 of TNPHW Act in Crime No.05 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners are accused in a case registered for the offences under Sections 294(b), 323, 342, 406 read with Section 506(ii) of IPC read with Section 4 of TNPHW Act. He further submitted that, 1st petitioner is the husband of the defacto complainant and the 2nd petitioner is the mother of the 1st petitioner. There is a matrimonial dispute between the 1st petitioner and his wife (defacto complainant) and they are living separately. There is a domestic violence case is pending in D.V.C.No.03 of 2021. In the said circumstances, this complaint is given with an exaggerated and false particulars. Apprehending arrest, this petition is filed.



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3. In response, learned Government Advocate (Crl. Side) submitted that, petitioners had harassed the defacto complainant by demanding more dowry.

4. Considering the nature, facts and circumstances of the case and the issue involved in this case is with regard to matrimonial dispute and that material part of the investigation might have been over by this time, this Court is inclined to grant anticipatory bail to the petitioners for the reason that custodial interrogation of the petitioners is not necessary.

5. Accordingly, 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 Judicial Magistrate, Ariyalur** on condition that the petitioners shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 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 1st petitioner shall report before the respondent police daily at 10.30.a.m., until further orders and the 2nd petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 [(2005)AIR SCW 5560].



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

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